

The

LORAX



By
Dr. Seuss

For Audrey, Lark and Lea
With Love

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"UNLESS someone like you
cares a whole awful lot,
nothing is going to get better.
It's not." —The Lorax

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Jeffrey C. Laufle
(b) (6)

February 20, 2017

Mr. Scott Pruitt, Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Mail Code 1101A
Washington, DC 20460

RECEIVED
2017 MAR -2 PM 12:02

OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Mr. Pruitt,

The EPA, through administration of such strong statutes as the Clean Water Act; the Clean Air Act; and the Comprehensive Environmental Response, Compensation and Liability Act, has overseen dramatic improvements in the quality of our water, air and soil. In general, our air and water are much cleaner than they were decades ago, when heavy smog enveloped our cities, beach closures were common, and a river caught fire. Through Superfund cleanups, legacy soil pollution is being addressed. But most assuredly, there remains work to do.

As head of the EPA, you are responsible to all of the American people for protection of environmental health. Polls have shown that a large majority of Americans consider it important to continue to provide such protections. Environmental safeguards need not cause the loss of jobs, and the "jobs versus the environment" mindset is false and unproductive. There will always be jobs developing and producing cleaner technologies and sources of energy. The economy has advanced with environmental regulations in place, and will continue to move forward.

Also, despite denials, the existence of climate change is scientifically established, just as is the link between tobacco smoke and lung cancer. There is no debate among serious climate scientists about whether or why our global climate is warming. Miami Beach experiences flooding on sunny days. Glaciers are receding and disappearing. Summertime sea ice coverage in the Arctic has been dramatically shrinking, and polar bears, listed as threatened under the Endangered Species Act, drown from exhaustion trying to swim to the ice from shore. Atmospheric carbon dioxide levels are at unprecedented highs and are climbing. Methane is being released from tundra soils as permafrost melts. That plus the disappearance of reflective ice surface contributes to heat absorption, creates positive feedback loops, and accelerates warming. These phenomena have all been observed and documented.

It cannot be overstated how important it is for you be briefed by EPA science personnel concerning climate science, and to maintain an open mind. There are those who disparage science if its conclusions are not comfortable or convenient for them. That, of course, does not define good science, which is objective and not political. Your agency includes competent scientists doing credible work on climate change, and EPA has a necessary role in regulating

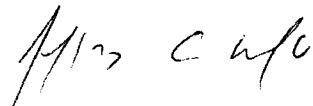
greenhouse gases. As an American citizen, I strongly support work by EPA that helps advance climate science and informs our response to climate change.

Of major concern to me and many others is that litigation that has been brought against EPA by the State of Oklahoma presents disturbing possibilities for conflicts of interest in your new role. I very much hope you will consult with EPA legal counsel and make a sincere effort to disentangle yourself from those legal actions in a manner that protects the integrity of the agency you now head.

Finally, there is draft legislation (H.R. 861) in the House of Representatives to eliminate the EPA by 2018. I am greatly concerned that such an action is even being contemplated. Water and air contamination, if not also soil pollution, crosses state lines, meaning the Federal government must regulate what state and local governments cannot. Climate change is a global issue requiring leadership by the United States Government. Elimination of EPA would be a very serious step backward and absolutely against the interests of the American people and our environment. Your understanding and support of the legitimate and necessary role of EPA to steward and defend environmental health will help Congress act responsibly. The American public has a right to expect no less.

I look forward to your response. Thank you.

Sincerely,



Jeffrey C. Laufle

cc:

Senator Maria Cantwell, Washington

Senator Patty Murray, Washington

Representative Pramila Jayapal, Washington 7th District

Senator John Barrasso, Senate Environment and Public Works Committee

Representative Rob Bishop, House Natural Resources Committee

Representative Lamar Smith, House Science, Space and Technology Committee

JEFFREY C. LAUFLE

(b) (6)

SEATTLE WA 980

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ENVIRONMENTAL PROTECTION AGENCY
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March 26, 2017

Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

2017 APR -3 PM 2:16

OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: Previous letter

Dear Administrator Scott Pruitt

I copied you on a letter to President Trump regarding an environmental issue. I was hopeful you would respond to the letter. I have attached the original letter and its attachments.

This is a serious problem and I would appreciate your support.

Sincerely



Steve Gamelin

Steven Gamelin,

(b) (6)

5445
AY 17-000-5240

February 20, 2017

President Donald Trump
1600 Pennsylvania Avenue NW
Washington D.C. 20500

Re: EPA needs to reevaluate their policies regarding releases of produce within our communities

Dear President Trump,

I want to start by thanking you for running for president. What you did—the obstacles you overcame—is to be admired. You are the right person for the job. Thanks.

The reason I am writing you is... the EPA is out of touch with the expectations of the American people. While they're out harassing farmers they're ignoring a more critical issue... the contaminating of soil within our communities.

One: Big oil companies are operating their service stations in hazardous chemicals. In my case... Sinclair Oil Company (neighboring property) closed their service station in 2006, removed the underground storage tanks (UST) in 2007, and reported, "A total of 999.48 tons of petroleum impacted granular backfill and native soils was excavated from the gasoline UST cavity, along product piping, and around dispenser island locations during closure activities. Excavated material was properly disposed of offsite." Since the initial release of product occurred in the late 70's or early 80's, it appears the EPA allowed them to operate in contaminate soil for over 30 years.

When I challenged the Missouri Department of Natural Resources (MDNR) regarding this practice they replied, "The Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks (MRBCA) allows for contaminated material to be left at a site as long as it is demonstrated that it does not pose an unacceptable risk to human health or the environment." I am stunned the EPA allows big oil companies to operate in contaminated soil. And, when I asked the MDNR for the report demonstrating the contaminated soil "does not pose an unacceptable risk to human health or the environment"... the MDNR was unresponsive. The EPA is not protecting the environment, and the MDNR is not complying with the law.

Two: Big oil companies do not aggressively pursue and contain releases of hazardous chemicals. On 3.6.04, "A release of diesel fuel was discovered at the Sinclair site... Inventory reconciliation estimated that approximately 450 gallons were missing." But the diesel fuel was not missing... "Review of the recent data indicates that distillate concentrations have increased in all the wells since the diesel release. Distillate concentrations in monitoring well MW-2 have increased by almost 300% and over 100% in monitoring well MW-3... Review of this data clearly indicates that distillate impacted ground water has migrated from Sinclair and has impacted the former Amoco property. The chemistry data also indicates the concentrations of diesel range organics are still increasing."

This is not an isolated incident. The EPA does not require big oil companies to aggressively pursue and contain releases of hazardous chemicals, or NOTIFY a neighbor that their property has been



contaminated. It would appear there are thousands of citizens who have NOT BEEN NOTIFIED THAT THEIR PROPERTY HAS BEEN CONTAMINATED. This is a deliberate attempt by the big oil companies—with the cooperation of the EPA—to avoid liability.

Three: Our government has actually passed laws that transfer responsibility from big oil companies to impacted property owners (the “forgotten man”). They contaminated our property... and when I expressed our dissatisfaction and concern I was told, “The Department would also like to make you aware that on January 1, 2018, based on 319.131 9(3) of the Missouri Revised Statutes, you may become, as the property owner, the responsible party for corrective action.” THIS IS UNBELIEVABLE... states are passing laws making citizens responsible for the negligence of big oil companies. Where’s the EPA?

Four: EPA/MDNR refuses to hold BP/Amoco accountable for the contaminated soil in the UST cavity. When AMOCO closed their service station they did not remove the contaminated soil from the UST cavity. When I asked the MDNR to make it part of the Corrective Action Plan (CAP) they said, “The removal of UST and contaminated soil is considered part of the tank closure process as documented in the MRBCA guidance document (Section 4). The information the Department has indicates that the tanks on your property have been removed. If you feel this information is incorrect, you may want to hire an environmental consultant.”

The EPA and MDNR are missing the point. The objective of a CAP should be to restore a property to its original condition, and—when in doubt—the EPA/MDNR should require the responsible party prove they addressed all aspects of restoring the property. In this particular case, I sent the MDNR the bill AMOCO paid and it states, “Removed and junked three (3) 10,000 gallon underground tanks, backfilled and cleaned up as per bid.” Note, the bill clearly indicates they backfilled the cavity without removing or disposing of the contaminated soil. The MDNR should not put the burden on me to prove BP/AMOCO is misrepresenting the facts, they should be holding them accountable.

Five: EPA/MDNR and big oil companies are being less than truthful with the American people and stockholders. Imagine the EPA and MDNR justifying their policies in front of the American people. No one would find their policies and procedures acceptable.

And, imagine BP/AMOCO and Sinclair justifying their company’s disregard for the environment in front of their customers and stockholders. Their customers would be outraged to learn they contaminated a local community’s drinking water (Sinclair had 25’ of hazardous chemicals floating on the water table below their property), and their stockholders would flee like rats from a sinking ship because of their failure to disclose the contingent liability associated with their negligence for hundreds of sites across the nation (and they may be in violation of SEC regulations).

Six: Scientific community is for sale. The scientific reports submitted by BP/AMOCO to the MDNR proclaim innocence and point an accusing finger at Sinclair. The reports from Sinclair accuse AMOCO. The only accurate environmental report is the one by MDNR which found two “plumes”, one under each property. Environmental scientists act more like attorneys defending their client, than scientists seeking the truth (and they’re in violation of their code of ethics).

The “AIPG Code of Ethics for Geologists” states, “A Member shall not be relieved of an ethical responsibility by virtue of his or her employment...” and goes on to say, “Members should be accurate, truthful, and candid in all communications with the public.”

The "NSPE Code of Ethics for Engineers" states, "Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct."

The Code of Ethics applies to all scientists... those working for the big oil companies, EPA, MDNR, and environmental consulting firms. They should be truthful and working together to address our environmental concerns. They should not be ignoring issues to avoid accountability.

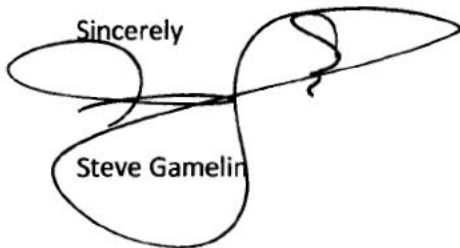
Seven: Big oil companies don't have insurance: There's an inconsistency in the way our government deals with the insurance requirements of big oil companies and its citizens. Government requires its citizens (most of which don't have a history of accidents) to carry auto insurance, while our government allows big oil companies (who have a history of accidents) to operate without liability insurance. I know, I know, big oil companies probably claim to be self-insured, but the test is really very simple... do they send adjusters out to assess the damage, and compensate impacted property owners. There's a difference between being "self-insured" and hiring a large staff of attorneys to intimidate injured parties.

My wife & I and the American people need your help. This isn't funny. When a big oil company contaminates a property it becomes virtually unsellable... and the laws protect the big oil companies. My neighbors (they're black) didn't do a thing wrong. A big oil company leased the property next door, had a release of hazardous chemicals, didn't tell anyone, packed up and left town. What are they to do? They wanted to sell and move a long time ago. They can't. Their property is contaminated. Meanwhile, the big oil companies are giving their executives bonus based on company profits while ignoring contingent liabilities.

We want the EPA to hold big oil companies accountable. BP/Amoco should be required to remove the contaminated soil from the old UST cavity. And BP/Amoco and Sinclair should notify their insurance carrier and compensated all damaged parties for their losses... without a hassle... without attorneys.

Thanks for listening.

Sincerely

A handwritten signature in black ink, appearing to read "Steve Gamelin". The signature is stylized with a large loop at the end.

Cc: Governor Eric Greitens, 100 Madison Street, Jefferson City, MO 65101
Administrator Scott Pruitt, EPA, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460
Environmental Protection Agency, 11201 Renner Blvd., Lenexa, KS 66219

Crawford Hydrology Lab. The results of the laboratory analysis indicated that fluorescein dye was detected in the water sample which was in contact with the product. Fluorescein dye can persist in the environment for years, so it is quite possible that the fluorescein dye detected in MWS-5 is the result of the 1991 dye tracer test, which indicates migration of free phase petroleum from the former Amoco UST pit to MWS-5. This emerald green discoloration resulting from the fluorescein dye trace is still evident in the product samples collected from monitoring well MWS-5 today.

The gasoline/diesel USTs and the fuel oil UST were removed in May 2007 (MACTEC, 2007a). The USTs were constructed from heavy-gauge single-wall steel with cathodic protection. The product dispensing piping system was constructed of single-wall steel between the tank pit and the fuel islands, and was a combination of single-wall fiberglass and steel within the system of fuel islands. Inspections of the USTs indicated that no other holes or cracks were visible in any of the USTs. A total of 999.48 tons of petroleum impacted granular backfill and native soils was excavated from the gasoline UST cavity, along product piping, and around dispenser island locations during closure activities. Excavated material was properly disposed of offsite. At a separate UST heating oil tank location there was no evidence of petroleum impact observed in the backfill surrounding the heating oil tank during removal.

Following UST closure activities, product recovery efforts commenced in November 2007 on monitoring wells MWS-4 and MWS-5. Twenty-eight product recovery events have been conducted on the two wells from November 2007 to June 2012. Prior to initiating product recovery, initial measurements of depth to groundwater and product were obtained and recorded. Product recovery was performed by manually evacuating the wells using a bailer and rope. Product (and water) removed was placed in a plastic, five-gallon pail, and then transferred to 55-gallon steel drums and staged on site for subsequent disposal.

MACTEC installed an additional monitoring well on the former Sinclair station property in July 2010 (MWS-17). The well is located to the east of the former UST cavity and east of the former monitoring well MWS-14 (abandoned prior to the start of UST removal activities in April 2007). The monitoring well was installed as a part of site characterization activities, which commenced on July 7, 2010. Prior to well installation, the location for monitoring well MWS-17 was cored in order to determine lithology. Upon completion of the cored borehole and prior to the reaming out of the borehole in preparation for well installation, LNAPL was measured initially in the borehole on July 14, 2010, at a thickness of 12.83 feet and again on July 19, 2010, at a thickness of 12.65 ft. On July 19, 2010, Illini Environmental, Inc. (Illini) was contracted to provide a vacuum truck, which facilitated the removal of 72 gallons of LNAPL.

in monitoring wells MW-2, MW-3 and MW-6. Delta returned to the site on April 25, 2006 to obtain current ground water chemistry data and analyzed the ground water samples for BTEX, MTBE, TPH OA-2 and TPH DRO for an accurate comparison of distillate data before and after the diesel release. Review of the recent data indicates that distillate concentrations have increased in all the wells since the diesel release. Distillate concentrations in monitoring well MW-2 have increased by almost 300% and over 100% in monitoring well MW-3. Please recall that Amoco has not operated in over 26 years. Review of this data clearly indicates that distillate impacted ground water has migrated from Sinclair and has impacted the former Amoco property. The chemistry data also indicates the concentrations of diesel range organics are still increasing.

5. Regional Aquifer Ground Water Levels and Mechanism for Shallow Impact

One of the persistent questions at this location that have been difficult to answer is how could MTBE in gasoline released from the Sinclair site make its way into the shallow wells MW-4 and MW-5 at the Amoco site. To answer this question we have conducted an intensive review of historical site data and have obtained additional information regarding the mechanism for petroleum impacted ground water to migrate from Sinclair and impact the shallow wells on the former Amoco property.

Monitoring well MW-5 was installed on the former Amoco property on May 3, 1990 in or very near the former tank basin. The boring log for MW-5 states that pea gravel with some clay fill was encountered from 5 feet to 15 feet below ground surface (bgs). Clay with chert was observed from 15 feet to 17 feet bgs. The well was installed to a depth of 13 ft bgs. Monitoring well MW-4 was installed at the former location of a dispenser island. The soil boring log indicated that bedrock was encountered at 20 feet bgs. Soil boring logs are contained in Appendix C. Four additional soil borings (SB-1 through SB-4) were drilled May 2-3, 1990 and bedrock was encountered at depths ranging from 1.5 feet to 4.5 feet bgs. As the depth to bedrock throughout the site has been observed to be very shallow, bedrock had to be removed in the area of monitoring well MW-4 and MW-5 in order to install Amoco's USTs and dispenser islands. It is very likely that bedrock at the soil-bedrock interface was fractured during the UST system installation.

Monitoring well MW-5 was destroyed in 1998 but depth to water measurements were 4.96 feet and 7.05 feet bgs in the well during its existence. Monitoring well MW-4 (installed at 20 feet bgs) has exhibited depth to water measurements ranging from 16.70 feet to 19.34 feet bgs. Monitoring well MW-4 has been dry during the gauging events since 2003. Amoco attempted to install shallow wells in 4 other locations (SB-1 through SB-4) but, as stated above, bedrock was encountered at 1.5 feet to 4.5 feet bgs. The water observed in monitoring well MW-5 was water trapped in the backfill and was artificially "high". Monitoring well MW-4 has had minimal amounts of water. As ground water has only been observed in wells installed in the former tank pit and a former dispenser island and the depth to ground water in the two wells varies by approximately 10 feet, it is evident that shallow ground water observed in these wells is not indicative of a true water table or even a hydrologic connection between the two shallow wells.

The ground water gauging event conducted on October 21, 1998 recorded ground water levels significantly higher than any prior or subsequent measurements. In fact, water levels recorded in the deep monitoring wells that intersect the regional aquifer (MW-1, MW-2, and MW-3) were approximately 50-60 feet higher than those measured during any other gauging events. Precipitation records for Union, Missouri (which is approximately 10 miles north of St. Clair) were obtained from the University Of Missouri - Missouri Climate Center. The precipitation records indicated that Union, Missouri received 1.8 inches of rain from October 17-19, 1998, only two days prior to the gauging event that measured the high water levels. Further review of precipitation data found that Union, Missouri received 5.6 inches of rain from May 10-17, 1990. It should be noted that the first ground water samples were collected at the

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. H. Nixon, Governor • Sara Parker Bailey, Director

www.dnr.mo.gov

JUL 22 2014

Mr. Steven Gamelin

(b) (6)

Via email: (b) (6)

RE: June 23 and July 2 request for records and information regarding Sinclair Retail Station #24053 & Amoco Station #18816, Missouri State Highway 47 and I-44, St. Clair, Franklin County, **ST0012980, R0004624 & ST0008848, R0001571**

Mr. Gamelin,

The Department has received your requests for information on June 23, 2014 and July 2, 2014. The Department appreciates your continued interest in remediation of both your property and the adjacent Sinclair property.

The June 23, 2014 request asks for copies of several policies and procedures that the Department has in regards to the remediation of releases and requirements of consultants. You also request a copy of the Department's mission statement; and Department policies on the public's right to question the responsible party after a release of product which crossed the property line and impacted that citizen.

The Department's guidance document (incorporated in regulation by reference), can be found <http://www.dnr.mo.gov/env/hwp/docs/tanks-final-guidance2013.pdf>. Regarding your request that the Department advise you as to the identification or interpretation of statutes and regulations on which it relies. The Department must decline to do so because the Department does not render legal advice to the public, particularly in regards to matters that may be protected from disclosure by the attorney-client privilege or the work product doctrine.

The Department's mission statement can be found at <http://www.dnr.mo.gov/aboutus.htm>.

The Department does not have a specific policy on the public's right to question a responsible party. However, we have been copying you on all correspondence and made our files open to you for review in order to provide you with information on the remediation of both sites. We have also asked the responsible parties to engage in the issues with you and provide you copies of reports. You may want to contact an attorney regarding this matter.

In the July 2, 2014 information request, you inquire as to whether or not any of the parties have responded to the Department regarding the April 24, 2014 letter sent to them to contact you regarding access to your property. The Department has not received a formal response to the

Mr. Steven Gamelin

Page Two

Department's April 24, 2014 letter. The Department was not expecting Amoco and Sinclair to respond to the Department. The expectation in the April 24, 2014 letter was that they would contact you directly to discuss access to your property.

Any questions you have about the letter you received from Mr. Smith of BP Amoco should be directed to Mr. Smith. The Department has talked with Mr. Smith and he has expressed a desire to move the remediation forward, but without access to your property he is unable to do so. Any access agreement between you and Amoco is private business between the two of you. Of course, access will be required before the remediation project may begin.

The Department would also like to make you aware that on January 1, 2018, based on 319.131 9(3) of the Missouri Revised Statutes, you may become, as the property owner, the responsible party for corrective action. You may want to contact an attorney in this matter.

The Department would again like to urge you to allow access to Amoco and Sinclair so that they may continue their remedial programs. Otherwise the remediation approach used in this cleanup may be forced to exclude your property.

Regarding your questions in your letter to Steve Lang dated July 02, 2014 the Department would like to offer the following information:

Question 1: Amoco's Underground Storage Tanks (USTs)

The Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks (MRBCA) allows for contaminated material to be left at a site as long as it is demonstrated that it does not pose an unacceptable risk to human health or the environment.

The removal of UST and contaminated soil is considered part of the tank closure process as documented in the MRBCA guidance document (Section 4). The information the Department has indicates that the tanks on your property have been removed. If you feel this information is incorrect, you may want to hire an environmental consultant.

Question 2: Release of diesel fuel

The diesel release is being addressed with the same system that the gasoline release is being addressed by the remediating parties under the Departments oversight of the remediation. However, since access to your property has not been given, it is unclear how successful this will be on your property.

Question 3: Hydraulic pumping

We are unaware of any laws, policies, or procedures regarding "hydraulic pumping". The Department uses a risk-based process that evaluates the movement of contamination in

Mr. Steven Gamelin

Page Three

groundwater. The contamination in the groundwater poses a risk to future drinking water wells in the area of the contamination. At this time, corrective action is being performed. Corrective action will continue until there is no further unacceptable risk in the areas of accessible contamination. Hydraulic pumping in this context refers to free product movement through the subsurface geology as influenced by groundwater fluctuations. The approved corrective action is addressing free product in two ways. One is the use of a computer controlled skimmer pump that automatically adjusts itself to recover the free product within a well as groundwater elevations fluctuate. The other method is the extraction of air from the bedrock formation by applying a vacuum to the well that volatilizes free product within the bedrock formation and removes it in the vapor phase.

Question 4: Study area

Corrective Actions Plans (CAPs) are site specific documents that are reviewed by the Tanks Sections Professional Engineer. They are required to show that the proposed corrective action can reasonably reduce risks to acceptable levels as documented in the site specific risk assessment. To date a formal CAP has not been approved for this site. The reason for this is that Sinclair is actively pursuing Activity Use Limitations (AULs) for groundwater as necessary. The implementation of these AULs will significantly change the site specific risk assessment and will change the corrective action goals. Only then can a CAP be finalized.

The release area will be evaluated with the data that can be collected. If property owners do not allow access for data to be collected and do not participate in the process, then it is not possible to evaluate the study area as a site wide whole.

Question 5: Contaminated soil

At the time of the release, there was no requirement for the removal of contaminated soil or for closure of the USTs. Currently, the MRBCA process allows for contaminated soil to remain at a site if it is demonstrated that it does not pose an unacceptable risk to human health or the environment. Soil remediation may be necessary before the site is closed. However, since the site does not have a finalized CAP, it is unclear if soil remediation will be necessary.

I hope that this information addresses many of the questions that you have. The entire file for this release is available to you for review by requesting it through the following website <http://www.dnr.mo.gov/sunshinerequests.htm>.

The Department does not maintain a compendium of scientific studies on fate and transport of petroleum chemicals, free product recovery technologies, or other related petroleum topics. Rather, Department staff access the latest available science on an as needed basis when carrying out our regulatory responsibilities. Such studies are accessed through various sources such as professional and technical organizations and scholarly journals; many of these studies are

Mr. Steven Gamelin
Page Four

available via the internet. You may want to consider hiring a consultant to meet your information needs.

Sincerely,

MISSOURI DEPARTMENT OF NATURAL RESOURCES



Ken Koon, Chief
Tanks Section

KK: sw

c: Jim Smith, Atlantic Richfield Company
Mr. Paul Conrad, Sinclair Marketing Inc.
Dale Markley, R.G., AMEC Environment & Infrastructure Inc.
Ms. Addie Mette, Antea Group
Petroleum Storage Tank Insurance Fund
Mr. Glen Young, Division of Geology and Land Survey

ANGELO COLAGROSSI CONSTRUCTION CO., INC.

1018 APPALACHIAN TRAIL
CHESTERFIELD, MO. 63017
532-3437

AMOCO OIL COMPANY
Mr. Earl Matthews
11000 Linpage Place
St. Louis, Mo. 63132

INVOICE N^o 30-135 2955

DATE 7-10-60

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I-44 & hwy 47
St. Louis, Mo.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 19 2017

OFFICE OF WATER

Mr. Steven Gamelin

(b) (6)

Dear Mr. Gamelin:

Thank you for sharing your concerns regarding oil and gas practices. We welcome hearing from citizens who care about our environment, and we very much appreciated your thoughts and concerns regarding the protection of our environment from pollution. Despite our environmental challenges ahead, concerned people like you are one of many reasons why we are optimistic about the public and environmental health of our nation and our planet.

The practice of oil and gas drilling can produce wastewater fluids that may contain oil, which, when not adequately treated, has the potential to enter soil and surface waters. The U.S. Environmental Protection Agency believes, however, that responsible development of America's oil and gas production offers important economic, environmental and energy-security benefits. The agency is working with states and other stakeholders to understand and address potential concerns with practices so that the public has confidence that natural gas production will proceed in a safe and responsible manner.

To provide you with additional information, I would like to let you know about EPA's efforts regarding the protection of the environment. The agency is working on several activities to provide regulatory clarity under existing laws, and is using existing authorities where appropriate to enhance public health and environmental safeguards. For example, the agency released final permitting guidance specific to oil and gas hydraulic-fracturing activities using diesel fuels in February 2014. The guidance identifies regulatory requirements and best practices for hydraulic fracturing when diesel fuels are used in the fracturing fluid.

Protecting people and the environment is EPA's mission, but we cannot do this work alone, and that is why we encourage you to stay involved. Just as it takes many drops of water to fill a bucket, the actions of many individuals are necessary to keep our environment clean, safe and healthy. **The agency has established a hotline for individuals to report any observed environmental concerns associated with drilling operations. Citizens may call 1-877-919-4EPA or email eycondrilling@epa.gov.** Again, thank you for sharing your concerns and providing me with an opportunity to let you know about EPA's efforts to protect our environment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steph Flaherty", is written over a horizontal line.

Stephanie Flaherty
Office of Ground Water and Drinking Water

RECEIVED

February 17, 2017

2017 MAR -2 AM 11:58

OFFICE OF
EXECUTIVE SECRET
Administrator, Environmental
Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Administrator Pruitt:

I am writing this letter to send
my congratulations upon your
confirmation as Administrator. Good
luck!

Best wishes always to you, your
friends / family, and the good
employees of the Environmental
Protection Agency.

Cordially,

Christopher D. Corbuzal

(b) (6)

MAR 02 2017



Environmental Protection Agency

1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

The Honorable
Attn: Scott Pruitt
Administrator

DIETROIT MI 482



Dear Mr. Pruitt 27 APR 2017 151

Chlorpyrifos linked to
damage of nervous system, lower
IQ in young children, &
behavioral problems: this
TOXIC ~~pesticide~~ needs to be
controlled, ie BANNED.

Anne Calomeni
Dr

(b) (6)

APR 03 2017

Scott Pruitt
EPA Administrator
1200 PENNSYLVANIA
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HELLO.
MY NAME IS

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A Global Warming Primer

ANSWERING YOUR QUESTIONS ABOUT
The Science, the Consequences, and the Solutions

Jeffrey Bennett



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Composition and design: Side By Side Studios

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ISBN: 978-1-937548-78-0

Bennett's careful and question-by-question presentation will lead any fair-minded person to see the warming issue more clearly and increase understanding of the need for concern about current developments. — **Hon. George P. Shultz**, Hoover Institution, Secretary of State under President Ronald Reagan

Jeffrey Bennett has done what many others have been unable to do: He has made climate science understandable. — **Gov. Bill Ritter, Jr.** (Colorado), author of *Powering Forward*

In engaging, accessible, and accurate prose, Jeffrey Bennett clearly explains the science of climate change, ending with a thoughtful exploration of ways to solve the problems it poses for our future. — **Ann Reid**, Executive Director, National Center for Science Education

This delightfully perceptive book is a must-read for everyone concerned about our future. — **William Gail**, President (2014), American Meteorological Society

This book offers us just what we need right now: clarity. I wish everyone in the world would pause and read this book. — **Dr. Michelle Thaller**, Astronomer, TEDx speaker

This great book sorts out the science from the belief on both sides of the debate. — **Piers Forster**, IPCC Lead Author and Director, Priestley International Centre for Climate, University of Leeds, UK

A friendly yet authoritative look at how we know what we know about the climate, and why we need to do something about it. — **Carl Zimmer**, author of *Evolution: Making Sense of Life*

Concise, crystal clear, packed with the best available information — this is the book to grab if you want to be well informed about climate change. — **Spencer Weart**, author of *The Discovery of Global Warming*

For anyone who doubts the reality of the threat, this is the book to read. — **Kimbal Musk**, Entrepreneur, Venture Capitalist, and Co-Founder of The Kitchen

With clear and detailed explanations, scientist and educator Jeffrey Bennett carefully dismantles the misconceptions that have clouded the debate on climate change, then presents the solutions we must pursue to solve this critical challenge. This book is a must-read for believers and skeptics alike. — **Andrew Chaikin**, author of *A Man on the Moon*

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A creative and remarkably accessible summary of climate science and policy. Quick and easy as 1-2-3! — **Yoram Bauman**, PhD, the "Stand-up Economist" and co-author of *The Cartoon Introduction to Climate Change*.

Everyone should read this important text — our future and our children's future depend on it. — **Gabe L. Finke**, CEO, Ascentris

A remarkably clear explanation of the causes and effects of global warming and what we can do to address it. — **David Bookbinder and David Bailey**, Element VI Consulting

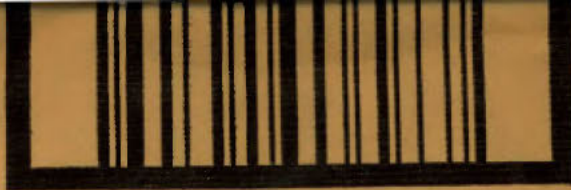
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March 21, 2017

**Scott Pruitt
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RECEIVED
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Dear Mr. Pruitt,

Greetings! I know that you are very busy getting settled in your new office. What an awesome responsibility you have to help Preserve the EARTH as its biosphere is beginning to implode. However, I am sending you this encyclical (letter) by Pope Francis, LAUDATO SI On Care Of Our Common Home, as it is a Call to each of us to do something to preserve our Earth and our time is limited..

Perhaps you know or don't know that our Biosphere is Imploding. Trees all over the world are dying and already dead, bees are dying, as well as bushes and plants. Our oceans are coming acidic and marine ecosystems are collapsing around the world. CO2 in our atmosphere and also the chemical toxic trails that are being sprayed around the world is causing this decimation.

Before it is TOO LATE we have to ACT in Behalf of the EARTH. Fossil fuels have to be stopped from burning and spewing CO2 into the atmosphere. PLEASE do all you can to Preserve the EARTH for all of us. All the monies in the world will not matter when the EARTH will not support Life any more.

As a heads up, I am sending you this copy of Pope Francis' encyclical (letter) LAUDATO SI, On Care Of Our Common Home. Something SOON has to be done for our EARTH, before it is TOO LATE. Please do all you can to tell Mr. President that our biosphere is imploding.. Just google Trees Die OFF.

For decades now our climate has been tampered with known as weather modification. Each day toxic chemical trails are being sprayed in our sky to block the sun's rays from reaching the EARTH. Just google Geoengineering the EARTH and you will be amazed.

In Chapter 4 which is the heart of the encyclical, you will notice that Care for our Earth includes the Political, the Economic, the Social and the Spiritual. This is

Pope Francis' contribution to the conversation on climate change.

You will also notice in Chapter 4, that Pope Francis mentions that indigenous peoples' lands should be respected which would include water which was not done regarding the Dakota Access Pipeline.

Our best regards and thanks to you for all that you will do to preserve the Earth for all of us Soon before it is too late.

Sincerely,

Sister Gladys Mashefka

Encyclical Letter
of the Supreme Pontiff
Francis

**ON CARE FOR OUR
COMMON HOME**

Laudato Si'



Contents

Vatican Translation

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Nothing in this world is indifferent to us
United by the same concern
Saint Francis of Assisi
My appeal

CHAPTER ONE

What Is Happening to Our Common Home

I. Pollution and Climate Change

Pollution, waste, and the throwaway culture

Climate as a common good

II. The Issue of Water

III. Loss of Biodiversity

IV. Decline in the Quality of Human Life and the Breakdown of Society

V. Global Inequality

VI. Weak Responses

VII. A Variety of Opinions



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J. Douglas Sparkman
COO, Fuels, North America

BP Products North America, Inc.
30 South Wacker Drive, Suite 900
Chicago, IL 60606
Phone: 312.594 7160

March 22, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code: 1101A
Washington, DC 20460

Re: Consideration of AFPM Request to Delay Compliance with 2016 RFS RVO

Dear Mr. Pruitt:

BP Products North America (BP), a major producer, refiner and marketer of oil and natural gas in the U.S., is providing comment with respect to AFPM's request to delay the March 31, 2017 deadline for demonstrating compliance with the 2016 RFS RVO.

Over the past 10 years, BP has invested more than \$90 billion in the U.S. – more than any other energy company. BP is a leading producer of oil and gas and produces enough energy annually to light nearly the entire country for a year. Employing about 14,000 people across the country, BP supports more than 130,000 additional jobs through all of its business activities. Additionally, BP is an obligated party under the RFS as a refiner, importer, producer, blender and a RIN market participant. As such, we have a unique and balanced view on the functioning of the marketplace.

BP, as a member of AFPM, requests that the EPA deny the AFPM request to delay compliance with the 2016 RFS RVO. We believe that AFPM is factually inaccurate in its representations and is advancing a policy position that benefits only a select few obligated parties. Specifically, BP agrees with EPA that over 190 million cellulosic (D3) RINs have been generated in 2016 and are available for compliance but that obligated parties are choosing instead to purchase cellulosic waiver credits (CWC). In fact, there is a historical pattern to this behaviour. In 2014, EPA set the cellulosic fuel mandate retrospectively to match the volume of D3 RINs available for compliance, and yet obligated parties still chose to purchase 12.5 million cellulosic waiver credits at the full compliance cost of an advanced (D5) RIN + cellulosic waiver credit price. This behaviour was repeated again in 2015. The purchase of these CWCs has resulted in a rolling bank of surplus D3 RINs that can be used for 2016 compliance. The table below highlights the cellulosic RIN balance:

D3 RIN Annual Supply & Demand (mn RINs)		2014	2015	2016
Supply	D3 RIN Generation	33	140	190
	plus Prior Year D3 RINs	0	12.5	41.2
	Total RIN Supply	33	152.5	231.2
Demand	D3 RVO	33	123	230
	less CWC Purchases	12.5	11.7	0
	Total RIN Demand	20.5	111.3	230
D3 Surplus (+)/Deficit (-)		+12.5	+41.2	+1.2

Source: EPA EMTS Data

As the table shows, between actual cellulosic production and the use of carry-over D3 RINs, there appears to be adequate supply of RINs necessary to meet 2016 compliance needs.

On March 16th, 2017 the price reporting agencies OPIS and Argus reported two transactions for 2015 D3 sales at \$1.90/RIN for 1.219 million RINs. Alternatively, the current compliance cost of buying a 2016 D5 RIN + purchasing a 2016 CWC is \$2.17. Furthermore, additional 2015 D3 RINs are being offered at the \$1.90 value, proving there are RINs available for compliance at prices significantly cheaper than the CWC alternative. Companies who purchase CWCs rather than D3 RINs are doing so as a *matter of choice*, not as a result of lack of supply.

Since the 2016 RFS compliance year ended two events have occurred that increase the net supply of 2016 D3 RINs. First, a retrospective small refiner exemption was granted which has reduced the D3 RINs demanded by this refiner thus making those RINs available for purchase by other obligated parties. Second, one obligated refiner has now publicly stated the intention to defer compliance with their 2016 RVO obligation. While this latter behaviour will make more 2016 RINs available for purchase, it also highlights that some entities may be intentionally gaming the system.

This behaviour has caused a noticeable change in the RIN market. Instead of obligated parties buying RINs in the run-up to the March 31 compliance deadline, many parties have been selling RIN balances banking on the program being further delayed or that EPA will change the requirements.

The result is that those producers, blenders and other responsible companies that have invested in the RFS program and planning for compliance are the ones being penalized.

In conclusion, BP supports EPA's projection of available cellulosic RINs available for 2016 compliance. Further, obligated parties are not being forced to buy CWC's – they have made this choice voluntarily even when the cost has been higher than buying a cellulosic RIN. The AFPM request does not represent the point of view of the entire refining sector and unfortunately appears to be capitalizing on general uncertainty with the RFS to advance a policy outcome that would instead undermine the RFS program.

BP supports and has advocated for reforms of the RFS program to ensure its long-term success. We appreciate your consideration of our point of view and look forward to sharing additional perspective on how to improve the RFS program going forward.

Best Regards,

A handwritten signature in blue ink, appearing to read "Douglas Sparkman", is written over a horizontal line.

Douglas Sparkman
Chief Operating Officer

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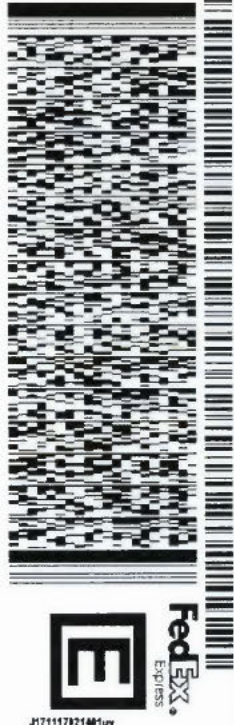
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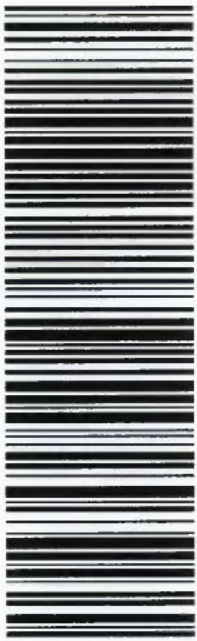


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DANIEL YERGIN

Vice Chairman | IHS Markit
Founder IHS CERA

March 22, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW
WJCS, Suite 3000
Washington, DC 20460

Dear Administrator Pruitt,

I want to express our deep appreciation to you for joining us at CERAWeek. It could not have been more timely, and I'm very glad that we could provide the opportunity for you to share your thinking and the new directions for EPA. I know how tight your schedule is, and that adds to our appreciation.

You very clearly laid out your three priorities — process, rule of law and rule-making, and federalism — and how those provide a framework for EPA's work in the future. It was also very constructive to hear the areas on which you want to increase attention.

Altogether, I know you have much on your agenda, and I want to wish you the best in your leadership as you go forward.

I also want to let you know that CERAWeek 2018 will be March 5-9, 2018, in Houston.

Again, with our deep thanks for laying out your agenda at CERAWeek, and with kind regards and best wishes,

Daniel Yergin

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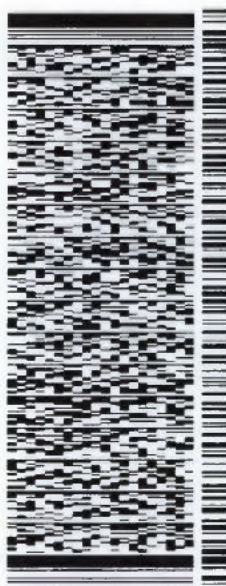
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WASHINGTON, D.C. 20460

THE ADMINISTRATOR

March 16, 2017

DR. DANIEL YERGIN
IHS MARKIT

(b) (6)

Dear Dr. Yergin,

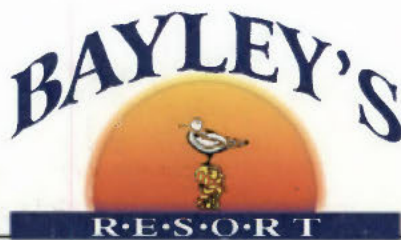
What a blessing it was to meet you and speak at CERA in Houston. I enjoyed our dialogue very much and hope that we are able to see one another again in the future. I am hopeful we can make some progress on the issues we discussed. Please continue to keep me abreast on issues of importance.

All the best,

E. Scott Pruitt

Thanks for the
Invite!

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web: www.bayleysresort.com



phone: (207) 883-6043
fax: (207) 883-5496
e-mail: info@bayleysresort.com

March 15, 2017

Dear Mr. Scott Pruitt:

First off, congratulations of your appointment to leadership for the Environmental Protection Agency. President Trump has made a great decision for this country.

I am contacting you with great concern of the abuse of power that the current EPA agents out of Boston, Massachusetts have shown. Here in Scarborough, Maine, a great town in Southern Maine, my family and I have worked on numerous projects over the past 25 years to improve our family business, way of life, and the land that surrounds us. We have all of the documentation from over the years proving our position is valid, with the help of many state level agencies. The EPA will not accept any of this. After four years of negotiations with the EPA, over \$1.3 million of lawyer fees, a \$250,000 fine, and an estimated \$1.3 million in land restoration projects, we feel like this is a massive abuse of power.

Mr. Pruitt, we are asking you to review this situation and see what kind of hell the previous regime at the EPA is putting the citizens of the United States through.

Again, congratulations on the appointment. We hope to hear from you on this matter soon.

Sincerely,

Thomas Bayley
General Manager/Owner

Fred Bayley
Owner

Kathleen Bayley
Owner

Bayley's Camping Resort
52 Ross Road
Scarborough, ME 04074



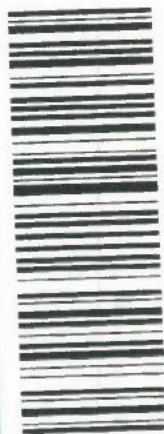
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Understand global warming and what you can do to make a positive difference!

Fiercely debated in the political arena and constantly splashed across the media, global warming is a hot topic. *Global Warming For Dummies* sorts out fact from fiction, explaining the science behind climate change and examining the possible long-term effects of a warmer planet. This friendly guide helps readers explore solutions to this challenging problem, from what governments and industry can do to what readers can do at home and how to get involved.

- **Understanding the greenhouse effect** — discover how greenhouse gases affect the planet's atmosphere
- **Tracking down the causes** — investigate how society has caused a build-up of greenhouse gases in the atmosphere
- **Examining global warming's effects** — see the changes already taking place around the world and look at what scientists project for the future
- **Switching to renewable energy** — find out about carbon-free alternative energy sources
- **Going green in business** — explore how companies in every sector can help stop global warming while helping their bottom line
- **Taking action** — check out dozens of ways you can be a part of the solution, from what you eat to what you wear to how you heat your home

A portion of the proceeds from this book will be donated to the Sierra Club of Canada Foundation.

Elizabeth May is the leader of the Green Party of Canada. Dr. May is a lawyer and the author of six books on Canadian environmental issues. She has been recognized twice by the United Nations for her work in the environmental movement. **Zoë Caron** serves on the Board of Directors of the Sierra Club of Canada. She works with Students on Ice Expeditions, bringing students from around the world to the Arctic and Antarctic to learn about the importance of these regions.



Open the book and find:

- How human activity is altering Earth's atmosphere
- What could happen when polar ice melts
- Which species could disappear if global warming continues
- Carbon-reduction success stories from around the world
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The Main Greenhouse Gases

Planet Earth is warm enough to sustain life thanks to gases in the planet's atmosphere that hold heat. These gases are called *greenhouse gases* because they act just like a greenhouse — trapping the heat inside the planet's atmosphere, making the average temperature on Earth 59 degrees Fahrenheit (15 degrees Celsius). Humans have increased the amount of greenhouse gases in the atmosphere by about 35 percent. The more greenhouse gases in the atmosphere, the warmer the average temperature gets.

The two major greenhouse gases both occur naturally and can be increased due to human activity.

- ✓ **Carbon dioxide (CO₂):** Responsible for 63 percent of global warming over time, and 91 percent in the last 5 years, this gas is produced from burning fossil fuels, such as coal and oil. It also occurs naturally as it flows in a cycle between oceans, soil, plants and animals.
- ✓ **Methane (CH₄):** Responsible for 19 percent of global warming, this gas is produced by rotting garbage and wastewater, gas from livestock, and rice crops. Swamps and anything that decomposes without air naturally creates methane.

Five Ways to Reduce Your Greenhouse Gas Emissions

- ✓ **Eat less (or no) meat.** Going vegetarian has the same impact on reducing greenhouse gas emissions as if you trade in a regular car for a hybrid. The process of making a pound of commercial meat uses ten times more energy than making a pound of beans or grains.
- ✓ **Hook your home up to clean energy.** If you can't afford to install solar panels or wind turbines on your roof, you can tap into an independent clean energy supplier. Let them build the wind turbine, and you reap the benefits. This step reduces your own emissions and helps build the renewable energy industry.
- ✓ **Insulate your house.** The average home has the equivalent of a basketball-sized hole in the side of its wall. That's how much heating and cooling you can keep from escaping if you properly insulate your home's ceilings, walls, windows, and doors.
- ✓ **Travel smart.** Reducing the number of flights you take in a year has a huge impact. One long-haul flight can be enough to double your impact on climate change, so think twice before taking that long trip. Whenever possible, take the train or bus. Minimize your driving by carpooling, walking, biking, or taking public transit.
- ✓ **Use only the energy you need.** Develop energy-saving habits — turn off the lights and T.V. when you leave the room, and turn down your thermostats when the house is empty in winter, and up in summer. Choose low-energy technologies by looking for the ENERGY STAR or Energy Savings logos on all appliances, electronics, computers, and more. These qualification standards highlight products that use the least energy.

Two Main Sources of Greenhouse Gases

- ✓ **Energy use:** Humans derive energy from burning fossil fuels, which releases almost ¾ of all human-produced greenhouse gases into the atmosphere. Half of all fossil fuels are burned to provide electricity and heat; the next big users of fossil fuels are manufacturing and transportation.
- ✓ **Land use:** How humans remove forests and use land contributes over ¼ of all human-produced greenhouse gases to the atmosphere. Trees absorb carbon dioxide from the atmosphere, so logging and clearing forest land for agriculture and development means more carbon dioxide stays in the air.

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Major Potential Effects of Global Warming

- ✓ **Affecting people:** Depending on their location, people may be affected by disease, rising sea levels, drought, or major storms. The impact of these effects will be greatest on those with the least financial resources to adapt to or recover from the effects.
- ✓ **Causing extreme weather:** While the atmosphere warms, the climate is changing, and so is the weather. More frequent and more intense storms, flooding, droughts, heat waves, and even extreme snowfalls are all part of the changes.
- ✓ **Increasing extinctions:** Changing climates mean that some environments may no longer be hospitable for certain plants or animals, which will need to relocate to survive. Some species, such as polar bears, have nowhere to go. Extinction is a possibility for many species of animals and plants, which may be unable to adapt to their environment at the same speed at which the climate is changing it.
- ✓ **Melting ice at the poles:** The Arctic ice is melting so rapidly that within a few years the North Pole will be ice covered only seasonally. This has a dramatic impact on the planet's climate: Polar ice reflects sunlight and deflects heat; when it melts, more of that heat stays in the atmosphere. The melting of the Greenland and Western Antarctic Ice Sheets threatens an extreme rise in sea levels.
- ✓ **Warming oceans:** While the oceans warm, water is expanding and causing sea levels to rise. Warmer waters are killing coral reefs and krill — essential to supporting the sea food web.

Key Global Warming Terms

- ✓ **Carbon cycle:** The natural system that, ideally, creates a balance between carbon emitters (such as humans) and carbon absorbers (such as trees), so the atmosphere doesn't contain an increasing concentration of carbon dioxide. (Concentrations of carbon dioxide in the atmosphere are expressed as parts per million, or ppm.)
- ✓ **Carbon sinks:** Anything that absorbs carbon dioxide from the atmosphere and stores carbon. The ocean, trees, and soil are all carbon sinks.
- ✓ **Fossil fuels:** Fuels, such as oil and coal, that are made from the fossils of old plants, which have taken hundreds of thousands of years to form underground.
- ✓ **Intergovernmental Panel on Climate Change (IPCC):** An international body of the United Nations, composed of over 2,000 scientific experts. The IPCC compiles peer-reviewed climate science to create an objective source of climate information.
- ✓ **Kyoto Protocol:** The international agreement under the United Nations to reduce global greenhouse gas emissions from industrialized countries by 5.2 percent below 1990 levels by the year 2012. The Protocol is ratified by 177 countries.
- ✓ **Renewable energy:** A continual source of energy, such as energy from the sun, wind, flowing water, heat from the Earth, or movement of the tides.

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Mon Mar 27 10:34:07 EDT 2017
Hope.Brian@epamail.epa.gov
FW: SunCycle - Solar Power Technology
To: CMS.OEX@epamail.epa.gov

From: Wouter Keij [mailto: (b) (6)]
Sent: Monday, March 27, 2017 6:16 AM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: SunCycle - Solar Power Technology

Dear Mr. Pruitt,

In view of your adminstrations ambitions to produce more power local we would like to advise you about our NREL recognised *High Concentrated Solar (HCPVT)* technology.

Our technology is designed to be produced and used local.

It brings employment and economic value to your nation and people and limits imports.

We use solar cells from space aviation and recycled plastic.

The CAPEX and cost of ownership are low.

A data sheet is attached to this mail for your reference.

Your adminstrations advice will be appreciated.

Best regards

Wouter Keij

Wouter Keij

Business Development Manager

+31(0)6 322 732 90

Meerenakkerplein 9

5652BJ Eindhoven

The Netherlands

Directions: when driving from the N2 exit 31 please take the parallel road after the crossing with the Dillenburgstraat. Our office is at the top floor of the last building at your right. Free parking in front of our building.

www.suncycle.nl



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Suncycle Urban Suntracker System - SUS-0001

TYPICAL APPLICATION

The Suncycle Urban Suntracker System (SUS) is a revolutionary solar energy harvesting system. Solar energy is converted optimally in both thermal and electrical energy.



The SUS system - built with a Stainless-Steel Rack - is suitable for outdoor placement. Especially in urban environment on rooftops of buildings. It can be used in an on- or off-grid environment. The thermal energy can be used for temporary storage in a water boiler, or with an air cooling system.

The system can be monitored and controlled remotely. The Suncycle Urban Suntracker System can easily be installed on hospitals, hotels, apartment blocks, etc. For example, in hotels, one system can bring electrical and thermal energy for several hotel rooms, as well as for the general areas of the hotel.

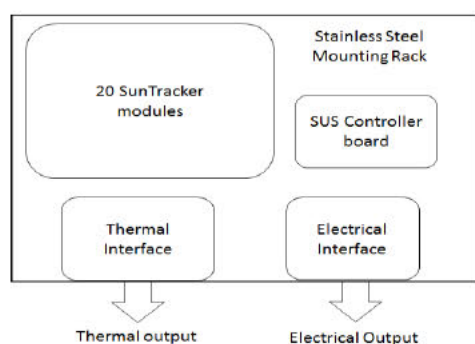
More information is available on the Suncycle website: www.suncycle.nl

FEATURES AND BENEFITS

The major features and benefits of the SUS system are:

- It will produce more electrical energy per square meter than any conventional PV system, especially with high ambient temperature the SUS will keep close to its efficiency
- In addition, it will provide high temperature water for storage in a boiler or driving an air cooler
- It can easily be installed in urban environment, like on rooftops of hospitals, hotels, offices, apartment buildings, etc
- Output of the system is constantly monitored and can be displayed anywhere in the building
- It will track the sunlight for optimal energy reception
- It will extract electrical as well as thermal energy from the incoming solar energy
- CE certified

DESCRIPTION



The SUS system consists of 20 Suncycle Urban Suntracker Modules, a Stainless-Steel rack, an electrical interface, a thermal interface and a control unit.

By its size and weight the system is very usable as a power source in an urban environment. It is also applicable in a sunny environment like an oasis village.

20 Suncycle Urban Suntracker Modules will be installed in parallel.

The control unit will make sure that the solar energy is collected in an optimal way, and the thermal and electrical energy are respectively made available via a heat exchanger and electrical converter. The SUS system can be easily connected to conventional boilers and/or chillers, as well as an electrical battery.

TECHNICAL DATA

Dimensions (in mm)



Outside dimensions frame (tilt 40 deg.): 2343 x 2030 x 1903 mm

Effective solar collection surface 20 x 2000 cm² 4 m² (83 %)

Electrical - thermal - mechanical and general data

Specification	Min	Typ	Max	Dimension
ELECTRICAL				
Output Voltage		48	52	VDC
Output current		20	30	ADC
Power max at 25 °C		1000		Wp-e
THERMAL				
Output at 1000 W m2 and Tm-Ta 0		1240		Wp-th
Output at 1000 W m2 and Tm-Ta 20		1120		Wp-th
Output at 1000 W m2 and Tm-Ta 40		1000		Wp-th
Cooling fluid		Water-glycol		
Operating fluid temperature	-10		90	C
Operating volume flow	5	20	50	L/hr
Pipe connection frame		15x1.5 mm EN AW 6060		
MECHANICAL and GENERAL				
Water and dust resistance		IP55		
Weight		250		kg
Operating ambient temperature	-20		55	C
Storage temperature	-40		85	C

☐ The system will need a 230 VAC power supply for powering the control unit

ACCESSORIES

	Description
	Inverter system
	Boiler and other thermal components

ORDERING CODE

Type number	
SUS-0001	Standard Suncycle Urban Suntracker System

Maintenance

To be able to apply for warranty, maintenance of the Suncycle systems and products needs to be in accordance with its published maintenance guidelines.

Installation

It is required to read the user manual of Suncycle systems thoroughly before using Suncycle systems. The installation guide is available on request via Suncycle partners.

Information in this document is the property of Suncycle and should not be used without written permission from Suncycle.

The information may change without notice.

Patented technology:

WO 2007/117136 A1

Standards applicable to this product:

IEC 62108

ISO 9806



**Made in the
Netherlands**

SunCycle Technology BV

Eindhoven, Nederland

Tel: 31 40 2642646

Website: www.suncycle.nl

E-mail: info@suncycle.nl



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF RESEARCH AND DEVELOPMENT
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY
CINCINNATI, OHIO 45268

April 20, 2017

Mr. Wouter Keij
Business Development Manager
Meerenakkerplein 9
5652BJ Eindhoven
The Netherlands

Dear Mr. Keij:

Thank you for your letter to our Administrator expressing your concern for our environment and economy and for notifying us of your product using space aviation and recycled plastic. We must develop and employ innovative technologies which minimize our environmental footprint and grow our economy.

Although your product sounds very interesting, it is U.S. EPA policy not to endorse or otherwise show favor to any particular product or vendor as doing so could stifle free market innovation. Still, we appreciate your interest and information, and wish you success with marketing your product.

I applaud your efforts and appreciate your taking the time to contact the U.S. EPA on this important issue.

Sincerely yours,

A handwritten signature in black ink, which appears to read "Cynthia Sonich-Mullin".

Cynthia Sonich-Mullin
Director
National Risk Management Research Laboratory

Date: Mon Mar 27 10:35:54 EDT 2017
From: Hope.Brian@epamail.epa.gov
To: CMS.OEX@epamail.epa.gov
Subject: FW: Colorado Smelter Super Fund. In Region 8

-----Original Message-----

From: Willie Martin [mailto:(b) (6)]
Sent: Sunday, March 26, 2017 6:44 PM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: Colorado Smelter Super Fund. In Region 8

Mr. Pruitt,

Hello, I'm writing you today concerning the Colorado Smelter project in Pueblo Colorado. I recently spoke with representatives who explained that they are cleaning the insides of houses in the area to rid them of lead and arsenic. When asked if this will completely rid my home of lead and arsenic their answer was no. They are only trying to reduce the amount of exposure by cleaning the insides. Further I asked why clean the insides and leave the outsides on touched? As the contaminates are carried from the outside in. Their answer was I'm not sure, and yes this is somewhat of the reverse way of doing this, I was then advised that most of my questions should be put towards other individuals in the EPA. My question to you sir, is why is the EPA investing money into sort term band-aids, when the focus should be on removing the contamination completely?

Thank you for your time,
Willie Martin
(b) (6)
(b) (6)

Sent from my iPad



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

APR 13 2017

Ref: 8EPR-SR

William Martin

(b) (6)

Dear Mr. Martin:

Thank you for your email of March 26, 2017, regarding questions about the Colorado Smelter Site you raised with the U.S. Environmental Protection Agency (EPA) staff and their representatives while they were preparing to clean the inside of your home. Thank you as well for participating in our sampling effort, because the collection of these data are important for determining where Colorado Smelter-related contamination is located and where cleanups are required. Through the EPA, State and local Colorado Smelter websites, public meetings, direct mailings and other means, we make every effort to inform all members of the affected community about the site and to listen to their concerns throughout the Superfund cleanup process.

With regard to your question asking why we would not remove all sources of lead, both inside and outside a residence, at the same time, there are several reasons. As part of its efforts to respond to releases of lead and other contaminants into the environment from the former Colorado Smelter, we are addressing elevated levels of lead in indoor dust and outdoor soil at affected properties. While our Superfund regulatory authorities allow us to address these historical smelter-related releases, they do not allow us to clean up or remove sources of lead contamination at these properties that have originated from sources other than the Colorado Smelter. For example, homes built before the 1978 lead-based paint ban may have lead-based indoor and outdoor paint that we cannot address as part of the Superfund cleanup. Other sources of lead inside homes that we cannot address under Superfund may include glazes on sinks and tubs, pottery/ceramics, leaded glass, consumer products, jewelry, hobby supplies and certain foods (e.g., Mexican candies).

Through our sampling at your residence, we determined that lead concentrations in the dust inside your home were high enough that they should be addressed in the near-term, in order to reduce your likelihood of exposure as quickly as possible. Since most residents spend 75% of their time inside their homes, the EPA prioritizes its cleanup activities to reduce the greatest risks for exposure to lead in these locations. While it is possible that some lead containing soils may be tracked into your home prior to EPA completing the cleanup of outdoor soils, the indoor cleanup will significantly reduce lead levels that you are potentially exposed to now while EPA completes the process of determining our cleanup levels for outdoor soils. The EPA is proceeding with that process including the opportunity for the public to comment on the proposed cleanup levels and anticipates that outdoor cleanups should begin in late-2017 or early-2018.

Before clean up begins, we will take photos to document the original condition of your home. After your family is relocated to a hotel, clothing will be bagged, other personal items will be cleaned and securely stored, and all furniture and light fixtures or other hard surface areas will be either HEPA vacuumed or wet wiped down. If you need to take objects with you while relocated, EPA will need to clean them first. Carpeting will be vacuumed, and if it is found that the carpeting is too old to withstand the cleaning or contains lead-contaminated dust embedded deeply in it and the pad underneath, it will be removed and replaced with new carpeting. Areas where attic dust could fall into the living spaces of the home will be

sealed, and unfinished basements also could be sealed or covered. While every home is different, these activities typically take about one week to complete.

At the completion of the indoor cleanup, we will resample your living space to verify that your indoor cleanup has been effective at reducing the levels of lead and the smelter-related sources of exposure. This is a field measurement performed the day the cleaning is completed. You will be able to return to your home after the resampling confirms the contamination has been adequately removed. Dust may remain in areas where residents do not have much exposure or spend significant time, such as inside walls and in attic spaces that are not used as living spaces. We will not clean those areas, because they typically do not present significant risks for exposure to smelter-related contamination.

Since other sources of lead, as described above, may remain in and around homes after our indoor cleanup, we recommend that residents living in the Superfund area continue using best practices to reduce their likelihood of exposure, such as frequent hand washing, removing shoes before entering the home, and weekly damp dusting and mopping. Other important practices include:

- Regular washing of toys and pets;
- Removing and separately washing clothing that has been worn while gardening or playing in outdoor soils, or worn while performing occupational exposures such as landscaping or construction, and from hobbies, such as leaded glass art, shooting and ammunition loading; and
- Keeping children and pets from excessive digging in the soils in the study area, which may remove the protective grass covering.

By following these practices, residents may greatly reduce their potential exposure to lead. The following links also provide helpful information about sources of lead and ways you can protect yourself: <https://www.epa.gov/lead/learn-about-lead#found> and <https://www.epa.gov/lead/protect-your-family-exposures-lead>.

We appreciate your interest in the EPA's clean-up actions at the Colorado Smelter Site, and I hope you find this information helpful. The following webpages also provide Colorado Smelter information:

- EPA webpage: <http://www2.epa.gov/region8/colorado-smelter>
- State of Colorado webpage: <https://www.colorado.gov/pacific/cdphe/cosmelt>
- Local Health Department webpage: <http://county.pueblo.org/government/county/departments/city-county-health-department/colorado-smelter->

If you have further questions regarding this project, you can contact Sabrina Forrest, Remedial Project Manager (RPM), at (303) 312-6484 or forrest.sabrina@epa.gov.

Sincerely,



Betsy Smidinger
Assistant Regional Administrator
Office of Ecosystems Protection
and Remediation

cc: V. Jasmin Guerra, Community Involvement Coordinator, EPA Region 8
Duc Nguyen, On-Scene Coordinator, EPA Region 8
Rachel Blomberg, State Project Manager, Colorado Department of Public Health and Environment (CDPHE)
Jeannine Natterman, State Community Involvement Coordinator, CDPHE

Mon Mar 27 10:49:05 EDT 2017
Hope.Brian@epamail.epa.gov
FW: Replacement engine regulations
To: CMS.OEX@epamail.epa.gov

From: (b) (6) [mailto:(b) (6)]
Sent: Monday, March 27, 2017 9:57 AM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: Replacement engine regulations

Dear Sec Pruitt
Please help me get back to work. The current regulations for diesel engine replacement are keeping me from making a living. Please eliminate those that cover older equipment and exempt applications. I have tried reading them and they are very hard to understand or see justification for their existence. The main theme is for all those who own diesel powered equipment to throw them in the scrap and buy new. With the newest emissions regulations compliant machines being totally out of reach for most tradesman it makes no sense to regulate repairing older machines. Can easily reference instances that are preventing me from buying and selling new older emissions replacement engines. Thank you.

Bryon Kass
Custom Design
150 Mechanic St
Foxboro, MA 02035
508-543-9068
508-944-5560 mobile/text



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APR 19 2017

OFFICE OF
AIR AND RADIATION

Bryon Kass
Custom Design
150 Mechanic Street
Foxboro, Massachusetts 02035

Dear Mr. Kass:

Thank you for your email of March 27, 2017, to U.S. Environmental Protection Agency Administrator Scott Pruitt requesting the EPA to eliminate diesel engine regulations that cover older equipment. We recognize that your request is related to EPA's statutory authority and the agencies' analysis of trailer technology cost-effectiveness. The Administrator has asked me to respond to you on his behalf.

We take these matters very seriously, and we are taking action. As a first step the EPA recently launched a new webpage with information related to the agency's regulatory reform efforts, which will include a list of upcoming meetings and other opportunities for submitting your detailed input:
<https://www.epa.gov/laws-regulations/regulatory-reform>.

Again, thank you for your email. If you have further questions, please contact Matthew Spears, who is the Center Director for Heavy-Duty Diesel Standards within our Office of Transportation and Air Quality, at spears.matthew@epa.gov or at 734-214-4921.

Sincerely,

A handwritten signature in blue ink, which appears to read "William J. Charmley", is written over a printed name.

William J. Charmley, Director
Assessments and Standards Division

Charles Roberts

(b) (6)

14 MAR 2017

Mr. Pruitt:

Greetings from the Peach State!

I have a request to make of you. I am retired now, and there are a few locals who collect Autographed business cards, and they got me interested. I have been fortunate enough to obtain a few Autographed business cards, and I was wondering if it would be possible to obtain a card(s) from you (previous and/or current)?

The "locals" meet about once a month, and swap when they have duplicates, and I have been participating for a few months now. This has been enjoyable, and without a lot of disposable income, something I can do without spending my Prescription money!!

Your help is welcomed and appreciated.

Have a great day,

Charles

Charles Roberts 3/14/2017

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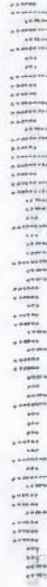
Mr Charles Roberts

(b) (6)



MR. SCOTT PERLITZ
ADMINISTRATOR, E
ENVIRONMENTAL PRO
1200 PENNSYLVANIA
WASHINGTON, DC

MAR 27 2017





E. SCOTT PRUITT
ADMINISTRATOR

May 11, 2017

Mr. Charles Roberts

(b) (6)

Dear Mr. Roberts:

Thank you for writing to request my autograph.

It is an honor and privilege to lead the U.S. Environmental Protection Agency. Promoting and protecting a strong and healthy environment is one of government's lifeblood priorities, and the EPA is vital to that mission. I look forward to working with the agency's dedicated employees, stakeholders and our state partners on a shared vision to protect our environment for future generations.

I hope you will follow our efforts by visiting www.epa.gov to learn more about the EPA's work and what you can do to help us achieve results for the American people.

Again, thank you for writing and for your interest in the EPA.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over the "Respectfully yours," text. The signature is stylized with a large, sweeping loop at the beginning.

E. Scott Pruitt

Enclosure





E. SCOTT PRUITT
ADMINISTRATOR

Scott Pruitt

Alaska State Legislature
House of Representatives
Representative Tammie Wilson

Interim
North Pole Plaza Mall
301 Santa Claus Lane
North Pole, Alaska 99705
Phone: 907.451.2723



Session
State Capitol
Juneau, AK 99801
Phone: 907.465.4797
Cell: 907.590.7602

Rep.Tammie.Wilson@akleg.gov

March 13, 2017

Dear Mr. Pruitt,

My name is Tammie Wilson and I am the State Representative for North Pole, Alaska. The EPA, based on the Clean Air Act, designated the Fairbanks North Star Borough as a PM 2.5 nonattainment area after the agency decreased the requirement from 65 micrograms per cubic meter (24-hour average) to 35 micrograms per cubic meter. The borough was just under the 65 micrograms per cubic meter so our air has not substantially changed but the standard did.

Wood-fired space heating devices, predominantly wood/pellet stoves and hydronic heaters, are used by a growing number of Borough residents to heat homes and businesses. The amount of wood burning has nearly doubled since 2006; which is a direct response to increases in the price of heating oil and the lack of low-cost, clean-burning alternative fuels.

The Alaska Department of Conservation peer Review states that weather is a primary problem in reaching attainment within Interior Alaska. The residents cannot change the geographic features of our area. This is an energy issue! Until we solve accessibility to affordable energy, those living in our cold environment with severe inversions will continue to utilize solid fuel burning devices.

So what has been accomplished thus far:

1. The borough has developed and implemented an education program. I am happy to report that I have personally witnessed more wood being cut earlier and covered throughout the nonattainment area. Many homeowners now have over a year's worth of split wood ready to be used.
2. The change-out program has now upgraded or removed solid fuel devices at a cost of over \$10 million utilizing both state, federal and local funding. It is estimated that at least 550 solid fuel burning devices will be upgraded a year. In 2013, the borough targeted the hot zones providing more incentive for those areas. A voucher like system for those unable to forward fund the upgrade has also been put into place.
3. The City of Fairbanks has a moratorium on additional outdoor hydronic appliances being placed within the city limits.

4. The state now responds to all complaints. They have taken action on owners of solid fuel burning devices that were in violation of state statute. The state has budgeted \$44,000,000 for residents to take part in the Weatherization program for low income households, as well as, the Home Energy Rebate program. Heating devices within either of these programs can be upgraded.
5. Most important is the Interior Energy Project which is working toward bringing low cost energy in the form of gas to the Interior. The state has allocated over \$362 million for financing of this project.
6. The Alaska Legislature has given approval for the State to move forward with a gas pipeline.

The EPA is now threatening to reclassify the Borough as “serious” which would cause even stricter rules and regulations on my constituents. This will be devastating to the North Pole area. The FNSB has divided North Pole and Fairbanks into separate areas. This new designation will cause more NO BURN BANS during the winter in my district.

What more does the EPA require? Again, weather is the most significant nonattainment factor; so how do we accurately measure the progress our community is making? If we continue the current programs while moving forward with a gas project, will this not be enough? Please help my community as we have come a long way but cannot afford to keep being penalized for an issue that is mostly out of our control.

I appreciate your time and look forward to any assistance you can give me.

Sincerely,



Rep. Tammie Wilson

cc: President Donald Trump
Senator Lisa Murkowski
Senator Dan Sullivan
Rep. Don Young



Representative Tammie Wilson
North Pole Plaza Mall
301 Santa Claus Lane
North Pole, Alaska 99705

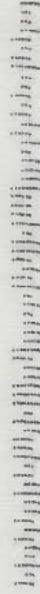


Scott Pruitt
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Ave, N.W.
Mail Code: 1101A
Washington, D.C. 20460

MAR 27 2017



FCL2032607



To: Scott Pruitt, Administrator EPA

From: Thomas H. Shear, Mayor of Alexander, Iowa

RE: EPA and Iowa DNR

March 18, 2017

RECEIVED
2017 MAR 27 AM 11:17
OFFICE OF THE
EXECUTIVE SECRETARIAT

Mr. Pruitt, I am the mayor of Alexander, Iowa with a population of less than 175 in north central Iowa which has been beaten over the head with the Clean Water Act for the past 10 or more years. There are a lot of details so I'll try to summarize our plight and that of many other small towns across the country. Due to the EPA and how it has dealt with the Iowa Department of Natural Resources, the DNR has been after us to do something about our waste water. Aside from the fundamental problems of their test methods which we feel were stacked against us; we have been threatened, bullied, manipulated, first to hire an engineer which led to the design of a lagoon system with a project cost of \$1.4 million (now \$1.7) to be spread out over 68 (more or less) households. This would be paid for by USDA grants and loans.

The problem is this...we can't afford it. We have paid attention to what has happened to other towns that have gone along with installing engineered systems, then experiencing major financial disruptions, followed by many towns and their citizens going broke. Sewer systems in rural communities are different than in a larger city. Every citizen is in effect a share holder with everyone presumably paying their sewer bill enabling the town to pay back the loan. If any number of citizens move out of the town and are not replaced and/or do not pay their bill the USDA loan still must get paid, with those residents who remain paying higher and higher sewer bills until they also bail out...you get the picture. The financing assumes nothing will change. The population will remain the same. People will pay their bills. But here in Alexander in the past 40 years the population has gone down by around a third and that was without a sewer system. In that time we also have have around 28 fewer houses and currently there are 5 houses that are uninhabitable with 2 or 3 that are in serious deterioration.

In fact if you do the math, with Iowa having a little over 700 small towns and with \$1.7 million apparently being the current going rate the USDA is wasting \$1,190,000,000 of tax payers money and making it prohibitively expensive to live in small towns. Only government can make living in rural America too expensive. We sent one of the members of our town council around to banks to ask for a loan for the sewer system. As we predicted they all said no. Why? This is because the banks expect to be paid back while the USDA doesn't. Additionally, consider that the \$1.19 billion figure (and that's a low figure as it is based on the town the size of Alexander) is just for the state of Iowa. Multiply that across the country in the states where legislators have not protected their citizens from its own government, and you may reach the tens of billions of wasted tax payer dollars, not to mention the financial disruption and heartache this has caused across rural America.

As I recall Jefferson County in Alabama declared bankruptcy due to sewer system. And the Wikipedia article about the Iowa town of Mount Sterling, Iowa reports that in 2012 it disincorporated, and most recently Mt. Union also disincorporated due to engineered sewer systems. These towns have not been mismanaged. They do well enough serving a something more than just a bedroom community for some residents and an inexpensive place to live for those on limited and fixed incomes. They weren't on the road to bankruptcy until government at the state prompted by the EPA, funded by the USDA and the DNR led city officials into believing such unaffordable systems were the only alternative. These situations are being repeated over and over again across the country throughout rural America.

We rejected an engineered system and have gone with replacement/upgrading of septic tanks which does not obligate the town but shifts the entire financial burden on to the residents. The results or outcome is the same problem. The residents living in their homes cannot afford it. These replacement systems cost from \$8,000 to \$15,000 largely depending on the property. Though there are some who are employed at good jobs many of us are retired, on disability, working lower wage jobs. They can't afford the system outright nor can they repay a loan (assuming many of us could even qualify for a loan) to install a system. So this solution is really no solution.

Since this is a problem created by the EPA and since the USDA is funding much of this disaster it seems to me the federal government ought to solve it.

I urge that you as head of the EPA do what many state legislatures have failed to do. That is to issue a directive exempting towns of 500 or less in population from the Clean Water Act. The Iowa State Legislature failed to do this because when this first occurred Democrats were in charge of the state house and now that the Republicans are in charge they are afraid that if they do something like what Tennessee, Alabama (presumably passed after the Jefferson County bankruptcy), Missouri, Arizona, Utah and other states have done; they would be admitting to having made a big mistake and government never seems to admit to its mistakes. How would they explain this to the towns like Mt. Union, Luther, Laverne and others that have gone through the financial dislocation, the fighting and dividing in the community, etc. etc.

There are already rules that will bring each residence into compliance. Simply, when I sell my house part of the sale (time of transfer) is that the septic tank is replaced/upgraded. The cost of replacing/upgrading the system is worked into the sale price of the property. No tax dollars are involved. No towns go bankrupt and/or become disincorporated like with the current EPA/USDA/DNR partnership. There are no financial dislocations with people having to move out of their homes because they can't afford the sewer system or can't get a loan to replace their current onsite system. I call these people DNR refugees.

In short we are left with 3 choices: The first choice is the EPA inspired/USDA plan that loans and grants/DNR implemented choice which leads to the USDA swooping in to foreclose everything in the town when loan repayments can no longer be paid. The taxpayers end up being on the hook for this with very little or no measurable improvement to the quality of waste water being discharged by small towns like Alexander; The second choice is when citizens can pay for the sewer system each will be expected to get a loan to install a system, but most citizens won't be able to obtain a loan and will be fined and further intimidated by the DNR or whoever, etc. Here again is financial disruption, the loss of purchasing power of individual citizens and with little or no improvement of the waste water; The third choice is when a person sells their house (time of transfer) the septic system is replaced/upgraded with that cost of that system replacement being figured into the selling price. The third choice creates no economic upheaval for the town or the residents and is not paid for with tax dollars.

Interestingly, two things we have heard from a representative from NICOG (North Iowa Council of Governments) is that; this whole thing about forcing sewer systems down the throats of small towns is to create jobs. I thought this was to clean the water. The thing about this is that these jobs are worthless unless the purpose is to enrich a bunch of engineering, construction, electrical and other companies and frankly the water will not be all that much cleaner in the end. So to create a few temporary jobs many people in small towns have to sacrifice their economic security, have to make even harder choices between what to buy for themselves as they always have this sewer system hanging over their head, then after it all that they still lose their homes and their town/community to the USDA and lose whatever

confidence they may have left in the government. Another line we are fed is that the county will take it over (when) the town can no longer afford it. The county can't afford it any more than we can because Franklin County has the same population issues Alexander and the rest of rural America have.

Mr. Pruitt, people move to small towns and rural areas for reasons. There is the sense of community and the slower pace of life. It's cheaper to live here. Leave it to government to make living in rural America unaffordable. There are a lot of existential threats out there, and frankly this whole issue represents a greater and more immediate threat to our lives, our livelihood and our economic security than ISIS. It keeps me up at night. I keep doing the math in my head and I know the engineers systems are not feasible and septic tank upgrades aren't any better. We are being boxed in between policy and math and so far policy is ignoring the math.

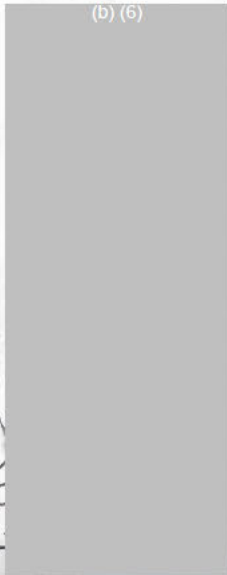
Again, I would urge you to do everything in your power to exempt from the Clean Water Act small towns of populations of 500 or less in those states that have not passed such legislation to protect their citizens from this unaffordable and unsustainable and frankly unnecessary mandate.

Additionally, the exemption needs to be as specific as possible giving the DNR no wiggle room and that part of the mandate must include that the DNR is to inform small towns about the exemption. Unless they are ordered to do so the Iowa DNR is just as likely to keep that information from us. It is things like this waste water issue that further erodes trust in government and virtually eliminates any credibility it may still have.

Thank you for your time and I would like to invite you to visit our town and attend one of our town council meetings. They are held on the first Tuesday of the month at 6 PM. You can contact me via email at tscheer@ccmsinc.net or call me (leave a message) at 641-580-0423.

cc. President Donald Trump
Senator Chuck Grassley
Senator Joni Ernst
U. S. Representative Steven King
Iowa Governor Terry Bransted
State Senator Amanda Ragan
State Representative Linda Upmeyer

T.H. Schear



(b) (6)

DES MOINES IA 503

18 MAR 2017 PM 21

MAR 21 2017



Scott Pruitt, Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, DC 20460



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20460-





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

APR 18 2017

OFFICE OF THE
REGIONAL ADMINISTRATOR

The Honorable Thomas H. Schear
Mayor of Alexander
P.O. Box 128
Alexander, Iowa 50420

Dear Mayor Schear:

The U.S. Environmental Protection Agency has received your letter regarding the anticipated cost associated with improvements for the city of Alexander's onsite wastewater treatment facilities. It is the EPA's understanding that the city of Alexander is working with the state of Iowa to evaluate potential compliance measures necessary to meet the requirements set forth in the city of Alexander's state-issued 2016 Administrative Order of Consent No. 2016-WW-09.

According to the Order, the Iowa Department of Natural Resources issued a Notice of Violation to the city on June 23, 2008, for violations of Iowa Code 455B.186 (discharge of a pollutant to a water of the state) and 567 Iowa Administrative Code 62.1(1) (discharge of a pollutant without a permit). It is our understanding that septic tanks in the community are connected to a tile line that conveys untreated or partially treated wastewater, containing sewage, into a nearby waterbody. The Order also mentions that the city of Alexander was designated as a Disadvantage Unsewered Community on March 23, 2016.

Untreated or partially treated wastewater from septic tanks has been linked to a host of human health concerns when sewage contaminates surface waters or groundwater drinking sources. Sewage-contaminated drinking water or contact with sewage-contaminated surface water can be a vector for disease-causing pathogens including viruses and bacteria. Diseases resulting from exposure to these pathogens can range from stomach flu and upper respiratory illnesses to more serious and sometimes life threatening conditions such as cholera, dysentery, Hepatitis B and cryptosporidiosis.

Cities like Alexander have a variety of wastewater treatment options and potential funding sources. Those wastewater treatment options could include a community treatment system, on-site systems, cluster systems or other approved systems. A list of potential funding sources is below.

Potential Funding Sources

- Iowa State Revolving Fund low interest loans for wastewater treatment systems, www.iowasrf.com
- USDA Rural Development Loans and Grants, www.rurdev.usda.gov/ia/
- Iowa Finance Authority Wastewater Treatment Financial Assistance Program, www.iowafinanceauthority.gov
- Iowa Department of Economic Development Community Development Block Grants, www.iowalifechanging.com/community/community/
- Onsite Loan Program, www.iowadnr.gov/InsideDNR/RegulatoryWater/PrivateSepticSystems.aspx




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Most communities will seek assistance from multiple funding sources over a number of years.

Because the IDNR issued the Order, and the department has better knowledge of the requirements and the compliance schedule set forth in the Order, the EPA believes the IDNR is better able to discuss your concerns. The appropriate contact at the IDNR is Jeff Vansteenburgh, Field Office Supervisor, Field Office No. #2, at (641) 424-4037.

If you have any questions regarding this letter, please contact Glenn Curtis, Chief, Wastewater and Infrastructure Management Branch, at (913) 551-7726, or email him at curtis.glenn@epa.gov.

Sincerely,


for Edward H. Chu
Acting Regional Administrator

Steve PASTOR
President Petroleum
Operations Petroleum
BHP Billiton
1360 Post Oak Blvd
Houston TX 77056

Steve —

Wonderful to meet and
Spend time with you today...
I appreciate your leadership
and look forward to working
with you. Justin



The Administrator
Washington, D.C. 20460

March 22, 2017

The Honorable Kim Reynolds
Lieutenant Governor of Iowa
Office of the Lieutenant Governor
State Capitol
1007 East Grand Ave.
Des Moines, Iowa 50319

Dear Ms. Reynolds:

It was a pleasure meeting you while you were in D.C. I enjoyed the fellowship and dialogue very much. Our discussion was extremely helpful in understanding and learning more about some of the issues facing Iowa.

Thank you for your leadership and efforts in serving the people of Iowa. Please don't hesitate to contact me if I can be of assistance. I look forward to seeing you again soon.

Warm regards,

A handwritten signature in black ink, appearing to read "Scott", with a long, sweeping horizontal line extending from the end of the signature.

E. Scott Pruitt

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The Administrator
Washington, D. C. 20460

March 22, 2017

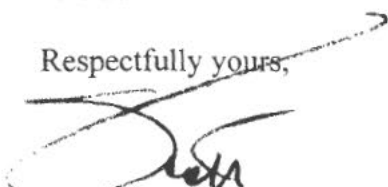
Mr. John Linc Stine
Commissioner
Minnesota Pollution Control Agency
520 Lafayette Road North, 6th Floor
St. Paul, MN 55155

Dear Commissioner Stine,

Thank you for the kind welcome, the visit last week, and the opportunity to speak with ECOS today. It was such a pleasure to meet with you, and I enjoyed hearing your terrific ideas about demonstrating environmental results. As I mentioned, I want to hear from you and your fellow state environmental agency leaders about how EPA can work more collaboratively with states.

I am very much looking forward to working with you as ECOS President, and all your peers, as our partners in environmental protection and public health. See you at the ECOS Spring Meeting next month.

Respectfully yours,



E. Scott Pruitt

*Very much
enjoyed our
time
together!*

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The Administrator
Washington, D.C. 20460

March 22, 2017

Ms. Alexandra Dapolito Dunn
Executive Director and General Counsel
Environmental Council of the States
50 F St NW, Suite 350
Washington, DC 20011

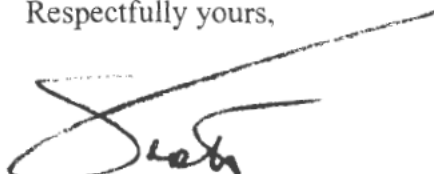
Dear Ms. Dunn,

Alex

Thank you for the visit last week, and the opportunity to speak with your members on the phone today. As I mentioned, I am committed to working with the states, as our partners in environmental protection and public health – so thank you for all you do to ensure a strong and collaborative relationship between my agency and those you represent.

I am looking forward to seeing you and all of the environmental commissioners at the ECOS Spring Meeting next month.

Respectfully yours,


E. Scott Pruitt

Wonderful Discussion!

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

March 21, 2017

John S. Watson
Chairman and CEO
Chevron Corporation
6001 Bollinger Canyon Road
San Ramon, CA 94583

Dear John:

It was a pleasure meeting you and your team while you were in D.C. I enjoyed the dialogue very much. Our discussion was extremely helpful in understanding and learning more about some of the issues facing Chevron.

All the best,

A handwritten signature in black ink, appearing to read "Scott", with a stylized flourish.

E. Scott Pruitt

*Wonderful to spend
time together!*



The Administrator
Washington, D. C. 20460

March 21, 2017

The Honorable Jeff DeWit
Treasurer, State of Arizona
1700 Washington Street
Phoenix, AZ 85007

Dear Jeff:

It was a pleasure meeting you in Scottsdale. I enjoyed the fellowship and dialogue very much. Our discussion was a blessing to me. Please don't hesitate to contact me in the future if I may be of assistance.

All the best,

A handwritten signature in black ink, appearing to read "Scott", with a long, sweeping horizontal line extending from the end of the signature.

E. Scott Pruitt

*Great Dinner ...
for Fellowship!*

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

March 21, 2017

John C. Minge, Chairman and President
BP America
501 Westlake Park Blvd.
Houston, TX 77079

Dear John:

It was a pleasure meeting you and your team while you were in D.C. I enjoyed the dialogue very much. Our discussion was extremely helpful in understanding and learning more about some of the issues facing BP.

All the best,

A handwritten signature in black ink, appearing to read "Scott", is positioned above the printed name.

E. Scott Pruitt



The Administrator
Washington, D. C. 20460

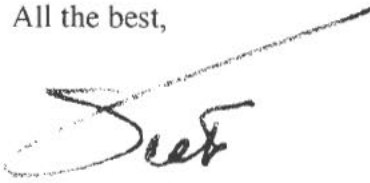
March 21, 2017

Jeff Shellebarger
Chevron North America Exploration
and Production Company
1400 Smith St - 49188
Houston TX 77002

Dear Jeff:

It was a pleasure meeting you and your team while you were in D.C. I enjoyed the dialogue very much. Our discussion was extremely helpful in understanding and learning more about some of the issues facing Chevron.

All the best,



E. Scott Pruitt

*Great to meet
you... Enjoyed
the discussion!*

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The Administrator
Washington, D. C. 20460

March 21, 2017

Mr. Peter LaFlamme, President
Association of Clean Water Administration
1634 Eye Street, NW
Suite 750
Washington DC 20006

Dear Peter,

It was a pleasure visiting with you at the ACWA meeting. I was certainly blessed to be part of the program. Thank you for inviting me to share what is going on at EPA with your members.

All the best,

A handwritten signature in black ink, appearing to read "Scott", with a long horizontal stroke extending to the right.

E. Scott Pruitt

*Thanks for the
note!*

Internet Address (URL) • <http://www.epa.gov>

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Mon Mar 27 13:14:43 EDT 2017
Hope.Brian@epamail.epa.gov
FW: Request for Stay
To: CMS.OEX@epamail.epa.gov

DRF

From: Matthew Hite [mailto:mhite@gpaglobal.org]
Sent: Monday, March 27, 2017 11:19 AM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: Request for Stay

Dear Administrator Pruitt,

I wanted to email you a copy of a letter we just mailed you requesting a stay for EPA's Final Rule entitled Oil and Natural Gas Sector: Emission Standards for New, Modified, and Reconstructed Sources. Thank you for your consideration of our request.

Take care,

Matt

Matthew Hite

Vice President of Government Affairs

GPA Midstream Association

229 ½ Pennsylvania Avenue, SE

Washington, DC 20003

(202) 279-1664

mhite@GPAglobal.org

GPA Midstream Association Headquarters

Sixty Sixty American Plaza, Suite 700

Tulsa, Oklahoma 74135

www.GPAglobal.org



March 24, 2017

Via first class mail and email

Administrator Scott Pruitt
Office of the Administrator
Environmental Protection Agency
William Jefferson Clinton Building
Mail Code 1101A
1200 Pennsylvania Ave NW,
Washington DC 20004

Re: Supplemental Request for Stay of EPA's Final Rule entitled Oil and Natural Gas Sector: Emission Standards for New, Modified, and Reconstructed Sources, 81 Fed. Reg. 35,824 (June 3, 2016) (Docket No. EPA-HQ-OAR-2010-0505)

Dear Administrator Pruitt,

GPA Midstream Association ("GPA Midstream") respectfully requests that the U.S. Environmental Protection Agency ("EPA") stay indefinitely the fugitive emissions requirements in EPA's Final Rule entitled Oil and Natural Gas Sector: Emission Standards for New, Modified, and Reconstructed Sources, 81 Fed. Reg. 35,824 (June 3, 2016) (the "Final Rule"). More specifically, GPA Midstream requests that all aspects of the Final Rule for compressor stations¹ and well sites² related to fugitive emissions standards, notifications, recordkeeping, and reporting be stayed pending administrative reconsideration and judicial review of the Final Rule. GPA Midstream has petitioned for administrative reconsideration and for judicial review of the Final Rule. While those petitions are pending before EPA and the courts, justice requires EPA to stay these requirements. A stay will ensure that GPA Midstream's members will not be forced to unnecessarily invest substantial resources to comply with fugitive emissions requirements that ultimately may be reversed or revised after reconsideration by the agency or through judicial review. Moreover, the new Administration has directed all agencies to consider ways to reduce unnecessary regulation,³ and EPA's new leadership is already reassessing a range of regulations

¹ See 60.5365a(j)

² See 60.5365a(i)

³ Presidential Executive Order on Reducing Regulation and Controlling Regulatory Costs (Jan. 30, 2017), *available at* <https://www.whitehouse.gov/the-press-office/2017/01/30/presidential-executive-order-reducing-regulation-and-controlling>; Presidential Executive Order on Enforcing the Regulatory Reform Agenda (Feb. 24, 2017), *available at* <https://www.whitehouse.gov/the-press-office/2017/02/24/presidential-executive-order-enforcing-regulatory-reform-agenda>.

issued under the previous administration that substantially burden the energy sector.⁴ Justice requires the agency to pause the implementation of this burdensome monitoring requirement to allow that regulatory review to be completed, particularly in light of the GPA Midstream’s pending petitions.

GPA Midstream has served the U.S. energy industry since 1921 as an incorporated non-profit trade association. GPA Midstream is composed of nearly 100 corporate members of all sizes that are engaged in the gathering and processing of natural gas into merchantable pipeline gas, commonly referred to in the industry as “midstream activities.” Such processing includes the removal of impurities from the raw gas stream produced at the wellhead, as well as the extraction for sale of natural gas liquid products (“NGLs”) such as ethane, propane, butane and natural gasoline. GPA Midstream members account for more than 90 percent of the NGLs produced in the United States from natural gas processing. GPA Midstream’s members also operate hundreds of thousands of miles of domestic gas gathering lines and are involved with storing, transporting, and marketing natural gas and NGLs.

Introduction

GPA Midstream has a long history of working collaboratively with state and federal regulators to identify commonsense solutions on a wide range of regulatory issues—including many environmental issues. GPA Midstream hopes to continue that collaborative working relationship with EPA through this rulemaking and reconsideration process. As part of that collaborative relationship, GPA Midstream provided extensive comments on EPA’s proposed rule (Attachments A and B) and has actively engaged with EPA since the Final Rule was issued. Specifically, GPA Midstream submitted to EPA an administrative petition for reconsideration and request for stay of the Final Rule (Attachment C) that identified several legal and technical flaws with the Final Rule that needed to be corrected and explained how GPA Midstream’s members would be harmed if the Final Rule were not stayed during EPA’s reconsideration process. In addition, GPA Midstream filed a petition for judicial review of the Final Rule. *See GPA Midstream Association v. EPA*, D.C. Cir. Case No. 16-1267 (consolidated under Case No. 16-1242). Because the June 3, 2017 deadline to comply with the Final Rule’s fugitive emissions requirements at well sites and compressor stations is fast approaching, GPA Midstream is renewing its request that EPA stay the effective date of that portion of the Final Rule.

Standard for Staying the Effective Date of a Final Rule

⁴ Presidential Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule (Feb. 28, 2017), available at <https://www.whitehouse.gov/the-press-office/2017/02/28/presidential-executive-order-restoring-rule-law-federalism-and-economic>; Federal Appellants Motion to Continue Argument and Hold Case in Abeyance Pending Administrative Action; *State of Wyoming v. EPA*, 10th Cir. Case No. 16-8068 (Mar. 15, 2017) (stating Department of Interior’s intent to rescind regulations related to hydraulic fracturing on public lands).

Both Section 705 of the Administrative Procedure Act (“APA”) and Section 307(d)(7)(B) of the Clean Air Act authorize EPA to stay the effective date of a final rule. Under the APA, “[w]hen any agency finds that justice so requires, it may postpone the effective date of the action taken by it, pending judicial review.” 5 U.S.C. § 705. EPA has applied this standard to Clean Air Act cases.⁵ The standard for an administrative stay is significantly different from the standard for a stay used by the courts because it does not require a demonstration of irreparable harm. This is clear from the text of the APA:

When an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review. On such conditions as may be required and to the extent necessary to prevent irreparable injury, the reviewing court . . . may issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve the status or rights pending conclusion of the review proceedings.

Id. Thus, the APA deliberately contrasts what is required for an administrative stay—“justice so requires”—and a judicial stay—“conditions as may be required” and “irreparable harm.” Similarly, Section 307(d)(7)(B) of the Clean Air Act also authorizes an administrative stay pending reconsideration, but does not premise that stay on a finding of irreparable injury. 42 U.S.C. § 7607(d)(7)(B) (granting EPA authority to stay the effectiveness of a rule during reconsideration). Such differences must be given effect,⁶ so there is no irreparable harm requirement for an administrative stay. As described below, both standards are met here.

Justice Requires that EPA Stay the Effective Date of the Fugitive Emissions Requirements in the Final Rule

In comments on the proposed rule and in administrative petitions for reconsideration GPA Midstream and other interested parties identified significant legal failings and technical flaws with the Final Rule. Specifically, GPA Midstream and other parties have articulated why, as a matter of law, EPA lacks authority to issue the Final Rule in its entirety, including (1) EPA lacks authority to regulate methane emissions under the CAA because it failed to make an endangerment finding with respect to the oil and natural gas source category in order to establish standards of performance for methane emissions from those sources; (2) EPA unlawfully used—

⁵ See, e.g., *Reconsideration of the Prevention of Significant Deterioration and Nonattainment New Source Review: Aggregation*, 75 Fed. Reg. 27,643 (May 18, 2010); *Ohio: Approval and Promulgation of Implementation Plans*, 46 Fed. Reg. 8,581, 8,582 n.1 (Jan. 27, 1981).

⁶ “[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.” *Russello v. United States*, 464 U.S. 16, 23 (1983) (quotation marks and citations omitted; alteration in original).

and relied on—the “White Paper” process in promulgating the Rule; and (3) EPA unlawfully expanded the scope of the oil and gas source category.

Further, beyond EPA’s authority to issue the Final Rule, the comments/petitions explain in detail legal and technical flaws related specifically to EPA’s fugitive emissions monitoring requirements. These issues, in particular require that EPA stay the effective date of the fugitive emissions requirements pending EPA reconsideration and/or judicial review. Specifically:

- EPA’s unlawfully broad definition of well sites requires fugitive emissions monitoring for co-located midstream assets. By defining “well site” too broadly, EPA has created a risk that midstream assets co-located at well pads may become subject to well site fugitive emissions program. Midstream operators are legally distinct from upstream producers and it is unlawful for EPA to define well site in a manner that incorporates unrelated midstream assets. Moreover, as GPA Midstream has explained in comments to EPA, it is not cost effective to conduct fugitive emissions monitoring for the limited number of midstream assets co-located at well site.
- EPA’s expansion of the triggering events for repairing leaking equipment Delay of Repair lists is unlawful, arbitrary, and capricious. In the Final Rule, EPA expanded the triggering events for delayed repair of leaking equipment to include unscheduled and emergency vent blowdowns and compressor station shutdowns. These requirements ignore the remote and unmanned nature of many compressor stations and create the risk of long-term shutdowns that will disrupt the flow of natural gas until personnel and equipment can be mobilized to the sites.
- EPA’s requirement to conduct quarterly monitoring at compressor stations and semi-annual monitoring at well sites is arbitrary and capricious because such frequency of monitoring is not cost effective. Data from facilities subject to fugitive emissions monitoring under state law, as well as facilities engaged in voluntary fugitive emissions monitoring have demonstrated that methane leaks are much less prevalent than EPA assumes, rendering the costs of such frequent monitoring unjustifiable in comparison to the benefits of the monitoring program.
- EPA’s failure to include a definition of compressor in the modification definition of a compressor station in 60.5365a(j) is arbitrary and capricious. By failing to define compressor in a manner that is limited to compressors that move natural gas through pipelines, the Final Rule could be interpreted to include other compressors located at compressor station sites, including vapor recovery units designed to reduce overall methane and VOC emissions at compressor station sites. This would create incentives that are contrary to the goals of the fugitive emissions monitoring program.
- EPA’s imposition of costly and unnecessary monitoring and recordkeeping requirements is arbitrary and capricious. Many of the recordkeeping and reporting requirements

included in the fugitive emissions monitoring program impose costly requirements on upstream producers and midstream operators that do little to ensure the accuracy of the fugitive emissions monitoring program or further the goal of reducing methane emissions.

- EPA's failure to provide effective relief against fugitive emissions requirements during inclement weather when monitoring is infeasible or unsafe is arbitrary and capricious. EPA's Final Rule includes a narrow exemption from quarterly fugitive emissions monitoring when average temperatures fall below zero degrees Fahrenheit. The temperature threshold is too low and fails to account for the many remote and unmanned compressor stations where inclement weather can prevent access, interfere with monitoring equipment, and compromise worker safety, even when average temperatures exceed zero degrees Fahrenheit.

A more detailed list of the legal and technical flaws with the Final Rule is included in the statements of issues submitted by GPA Midstream (Attachment D) and other petitioners seeking judicial review of the Final Rule,⁷ as well as in the petitions for reconsideration. *See, e.g.*, Attachment C. Justice requires that EPA stay the effective date of the fugitive emissions requirements until EPA and the courts have had a full opportunity to review the petitioners' arguments to determine whether they have merit.

Failure to stay the effective date of the fugitive emissions requirements for well sites and compressor stations will cause immediate and irreversible harm to GPA Midstream's members and other regulated entities. The Final Rule requires upstream producers and midstream operators to prepare fugitive emissions monitoring plans and conduct initial monitoring of all affected facilities by June 3, 2017. To meet this impending deadline, producers and operators must take immediate action to develop the necessary monitoring plans, acquire monitoring equipment or engage qualified fugitive emissions monitoring contractors, and conduct fugitive emissions monitoring at each affected facility. This process will take time and will require significant and immediate investment of limited resources to meet the June 3 deadline. Those substantial investments are costs that cannot be recovered from EPA or any other entity if EPA or the courts later determine that the regulations were unlawful, arbitrary, or capricious and should be withdrawn or vacated. Upstream producers and midstream operators are already generally incentivized to take all cost effective actions to reduce methane and VOC emissions. It is inconsistent with principles of justice and fairness to require them to make these substantial additional expenditures to comply with burdensome regulations that may later be overturned or withdrawn.

⁷ *See North Dakota v. EPA*, D.C. Cir. Case No. 16-1242 (and consolidated cases) Doc. Nos. 1631518, 1632642, 1633507, 1633996, 1634081, 1634119, 1634136, 1634342.

Finally, in light of the recent Executive Orders described above that direct federal agencies, including EPA, to evaluate opportunities to reduce unnecessary regulation, granting a stay of the effective date of the fugitive emissions requirements will give EPA an opportunity to consider the costs of those requirements in light of the minimal benefits that they will provide. Federal agencies have already announced plans to rescind several environmental actions that will unduly burden the oil and natural gas sector and, in light of the pending petitions for reconsideration and judicial review, EPA could conclude that the fugitive emissions programs at compressor stations and well sites should also be rescinded. In light of the ongoing uncertainty regarding EPA's regulation of GHG emissions under Section 111 of the Clean Air Act, granting an administrative stay will allow EPA to make a full and informed decision, consistent with these executive orders, without requiring GPA Midstream's members to comply with the regulations in the interim.

Thus, in order to avoid significant adverse impacts on GPA Midstream's members, justice requires that the effective date of the fugitive emissions requirements in the Final Rule be stayed. The standard under Section 705 of the APA is therefore met and EPA has the authority to stay the effective date of the fugitive emissions requirements pending judicial review. Moreover, the only condition on EPA's authority to grant a stay under Section 307 of the Clean Air Act is that EPA must have decided to reconsider the rule. As explained in GPA Midstream's petition for administrative reconsideration, the standard for reconsideration is met and it therefore follows that the standard for a stay under the Clean Air Act is also met.

A Stay is Also Warranted Under the Standard Applied by the Courts

While a stay is warranted under the standards established by both the APA and CAA, it would be justified even under the more stringent standard employed by the courts. Courts typically consider four factors in determining whether to grant a judicial stay: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Nken v. Holder*, 129 S. Ct. 1749, 1761 (2009). These factors must be balanced against one another, such that "[a] stay may be granted with either a high probability of success and some injury, or vice versa." *Cuomo v. US Nuclear Reg. Comm'n*, 772 F.2d 972, 974 (D.C. Cir. 1985). All four factors are satisfied in this case.

First, as described above, GPA Midstream has made the necessary showing that it would likely succeed on the merits. It has identified legal, factual, and procedural flaws in EPA's rulemaking process and reconsideration is warranted on the merits. Moreover, GPA Midstream and other petitioners have identified material legal and factual flaws in the Final Rule in their petitions for review that would result in vacatur of the Final Rule, if EPA does not grant reconsideration.

Second, failure to grant a stay will irreparably harm GPA Midstream's members by forcing them to incur significant compliance costs to develop fugitive emissions monitoring plans, acquire monitoring equipment or contract for conducting fugitive emissions monitoring, and conduct fugitive emissions monitoring at each affected facility. These harms cannot be remedied by prospective action to revise the Final Rule after granting reconsideration or after judicial review because the necessary compliance costs will have already been incurred.

Third, there are no demonstrable offsetting harms to third parties or the public interest from the stay sought by GPA Midstream because GPA Midstream's members, along with other producers and midstream operators have strong incentives to minimize methane emissions when feasible to do so. Methane is a valuable product in the natural gas production and gathering sectors, and methane losses have a direct and detrimental impact to overall profits from the sector. As a result, GPA Midstream's members, along with others in the sector, have taken significant steps to voluntarily reduce methane emissions. These efforts have produced significant methane emission reductions, even without EPA regulations. Thus, temporarily staying the Final Rule while EPA completes the reconsideration process will have no discernible impact on methane emissions from the gas processing sector. The balance of harms and public interest, thus, favor granting a stay.

Conclusion

For the foregoing reasons, the GPA Midstream respectfully requests that EPA stay the effective date of the fugitive emission requirements for compressor stations and well sites in the Final Rule pending reconsideration and judicial review.

Respectfully submitted,

Matthew Hite
Vice President of Government Affairs
GPA Midstream Association
229 ½ Pennsylvania Avenue, SE
Washington, DC 20003
(202) 279-1664
mhite@gpaglobal.org



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

APR 06 2017

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

Mr. Matt Hite
Vice-President of Government Affairs
GPA Midstream Association
229 ½ Pennsylvania Avenue, SE
Washington, DC 20003

Dear Mr. Hite:

Thank you for your letter of March 27, 2017, in which you shared a copy of GPA Midstream Association's request to stay EPA's final rule titled, "Oil and Gas Sector: Emission Standards for New, Modified, and Reconstructed Sources." The Administrator asked that I respond on his behalf.

On March 28, 2017, the EPA was directed to review this regulation to ensure the rule promotes clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. The EPA will continue to work with stakeholders to ensure the NSPS meets these objectives. We look forward to engaging with you further to discuss these matters.

Again, thank you for your letter. I appreciate the opportunity to be of service.

Sincerely,

A handwritten signature in black ink, which appears to read "Stephen D. Page", is written over a faint, larger version of the same signature.

Stephen D. Page
Director
Office of Air Quality Planning
and Standards

(b) (6)

RECEIVED

2017 MAR 27 AM 11:16

OFFICE OF THE
EXECUTIVE SECRETARIAT

TO: SCOTT PRUITT

DATE 03-17-17

DIRECTOR

ENVIRONMENTAL PROTECTING AGENCY

1200 PENNSYLVANIA AVE. NW

WASHINGTON D.C. 20460

REF: CHEM TRAILS POLLUTION

DEAR SIR:

HAVING HAD NO RESPONSE TO MY LETTER OF 02-27-17; DOES THIS MEAN YOU DIDN'T RECEIVE THIS COMMUNICATION, READ IT, OR IT WAS NEVER DELIVERED TO YOUR DESK FOR REVIEW.

MONITORING OUR SKIES OVER THE STATE OF KANSAS SINCE 02-27-17; I NOTICED A SLIGHT REDUCTION FOR ABOUT THREE WEEKS. THIS MADE ME WONDER IF MY LETTER TO THE EPA HAD ANY BEARING ON THIS REDUCTION OR NOT. THE EPA IN LENEXA KANSAS WAS ALSO NOTIFIED ON 02-27-17 OF THIS SUBJECT OF CHEM TRAILS FOR WHICH THERE WAS NO RESPONSE.

I, THEREFORE, HAVE BEEN FORCED TO COME TO THE CONCLUSION THAT THE THREAT TO THE NATIONS HEALTH, REGARDING CHEM TRAILS, DOES NOT APPEAR TO BE OF ANY IMMEDIATE CONCERN TO EPA. LACK OF ACTION TO PREVENT THIS THREAT BEGS THE QUESTION WHY?

IT FURTHER BRINGS SUSPICION, BY THE PUBLIC, OF IRRESPONSIBILITY AND DERELICT OF DUTY TO THOSE WHO MAY BE GUILTY OF IGNORING THIS THREAT BY THE EPA.

BE ADVISED ONCE MORE; THAT YOU AND EVERYONE ELSE BREATH THE SAME AIR QUALITY AS THE PUBLIC. NO ONE IS IMMUNE TO THIS THREAT. IT'S UP TO THE EPA TO TAKE IMMEDIATE ACTION TO CANCEL THESE FLIGHTS THAT CONTAMINATE OUR AIR OR SUFFER THE CONSEQUENCES OF DETERIORATING HEALTH AND SUFFERING THAT IS NO RESPECTER OF PERSON OR LOCATION.

REGARDS,



DAN H. SPOONHOUR D.C.

Dan H. Spoonhour

(b) (6)

Scott Pruitt

Scott Pruitt
Director EPA
1200 Pennsylvania Ave. NW
Washington DC 20460



FCL2032709

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MAR 27 2017



20460-



Chris Wood

(b) (6)

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RECEIVED

2017 MAR 27 AM 11:20

OFFICE OF THE
EXECUTIVE SECRETARIAT

March 16, 2017

Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

To Whom It May Concern:

My mercury exposure began with amalgam fillings I received during my teen years. Attached is a copy of my story of mercury toxicity issues I have struggled with.

Evidence shows mercury to be highly toxic. It is easily released as a vapor each time a person with mercury fillings eats, drinks, or brushes their teeth. These mercury vapors readily pass through cell membranes, across the blood-brain barrier, and into the body's central nervous system, where it can cause psychological, neurological, and immunological problems.

Dentist across Europe will stop using mercury fillings in pregnant and nursing women and children under the age of 15 in 2018. A recent study, conducted on behalf of the European commission, recommends phasing out dental amalgam completely over the next few years.

The Food and Drug Administration (FDA) has admitted "Dental amalgams contain mercury, which may have neurotoxic effects on the nervous systems of developing children and fetus. What are your plans to phase out the use of mercury in fillings here in the United States?

Sincerely,

Chris Wood

Chris Wood
Enclosure

My Heavy Metal History

Mercury Toxicity

Evidence shows mercury to be highly toxic. A gram-sized drop of mercury can contaminate an entire 20-acre lake. It is easily released as a vapor each time a person with mercury fillings eats, drinks, or brushes their teeth. These mercury vapors readily pass through cell membranes, across the blood-brain barrier, and into the body's central nervous system, where it can cause psychological, neurological, and immunological problems. Once mercury has crossed the blood-brain barrier, it is readily oxidized into positively charged ions. Due to their charges, these ions cannot easily re-cross the blood brain barrier, resulting in bioaccumulation in the brain.

Mercury itself causes derangement of mineral transport, which impairs the ability to excrete any of the heavy metals. Mercury is the only heavy metal to cause deranged mineral transport.

Early Exposure

My heavy metal exposure began with amalgam fillings I received during my teen years. Amalgam is a combination of metals (including mercury) that has been used as filling material in dentistry for the last 150 years. Dentists across Europe will stop using mercury fillings in pregnant and nursing women and children under the age of 15 in 2018. A recent study, conducted on behalf of the European Commission, recommends phasing out dental amalgam completely over the next few years.

Here in the US, the Food and Drug Administration (FDA) has finally admitted "Dental amalgams contain mercury, which may have neurotoxic effects on the nervous systems of developing children and fetus". For many years, the FDA claimed mercury fillings to be safe. The American Dental Association still maintains that mercury fillings are safe despite much evidence to the contrary.

Besides amalgam fillings, I also broke a mercury thermometer on two separate occasions in my teen years. Each time, I curiously played with the silvery liquid before washing it down the sink. I also took birth control pills in the 1980's, used cosmetics, and followed the standard American diet (all sources of mercury).

In 1990, I moved to Dallas, Texas. I lived there for 25 years. Texas by far is the state with the highest amount of mercury in the air. This is because (1) Texas has the largest mercury emitter among US power plants in Luminant Martin Lake facility east of Dallas and (2) Texas also has five of the ten largest power plant mercury air pollution sites, all around the Dallas area.

I had a hair analysis for heavy metals done in 2003. I had large amounts of mercury, tin and aluminum (and other heavy metals were present as well). When a person has multiple heavy metals in their body, the metals have a synergistic effect. This means each metal affects the person at a higher level each time another metal is added. So, the mercury was made even more toxic in my case.

Chelation Induced Illness

In August 2004, I received intravenous chelation from a doctor treating me for heavy metal detox. The next day, I got extremely ill. I made calls to my doctor, but he did not return them. My symptoms included extreme fatigue and nausea. I was unable to work for several months as I slowly regained energy with the help of a different doctor.

Chelation is used to get rid of heavy metals from the body. During this process, heavy metals are pulled from tissues to be eliminated. However, when chelation is administered through the bloodstream, it pulls more metals than can be effectively removed. Instead, the body stores the metals in various body tissues, basically "re-poisoning" the body.

I used a chelator that crosses the blood brain barrier. This means some of the metals are redistributed directly into the brain. I have now learned how dangerous intravenous chelation can be. Some people have died from this process.

Personality Effect of Heavy Metals

Heavy metals such as mercury affect one's personality. Neurological symptoms associated with mercury poisoning can include erratic mood changes and mental deterioration. Other symptoms are unusual shyness, acute anxiety, and irrational fears. Some with heavy metal poisoning are uncomfortable in social situations and are easily upset and prone to agitation. Other symptoms included lack of self-control, loss of self confidence, indecision, impatience, exaggerated response, and emotional instability.

Mad Hatters

"Mad Hatters" were hat makers who worked long hours with mercury-treated pelts, absorbing mercury through their skin and inhaling mercury vapor. The start of mad hatters' syndrome can be traced to 17th century France where expensive hats made of felt first began being produced using mercury nitrate. Mad Hatters showed the neurological symptoms described above.

Mad hatters also exhibited anxiety, extreme timidity and a general desire to remain "unobserved", usually responding with anger or irritability if this wish is ignored. For the hatters, the first noticeable change was usually their personality (such as social phobia). Consequently, it could be easily misdiagnosed.

Mercury began being phased out of the production of felt hats in places like France and Britain by the end of the 19th century (even by law in France), but not in the United States. A report called Chronic Mercury Poisoning noted of a typical US hatter in the 1940s:

The man affected is easily upset and embarrassed, loses all joy in life and lives in constant fear of being dismissed from his job. He has a sense of timidity and may lose self control before visitors. Thus, if one stops to watch such a man in a factory, he will sometimes throw down his tools and turn in anger on the intruder, saying he cannot work if watched. Occasionally a man is obliged to give up work because he can no longer take orders without losing his temper or, if he is a foreman, because he has no patience with men under him.

Use of mercury was soon phased out of hat production and "Mad Hatter" disease went away for those in the hat making industry.

Modern Day Mad Hatter

So, I had the early exposure episodes as described above. Plus, the chelation intravenous procedure I underwent pulled metals from my tissues and redistributed most of it back into my body to areas that included my brain.

And, to make matters worse, in 2007, I started taking testosterone prescribed by a doctor to balance my hormones. I have since discovered that testosterone increases mercury toxicity more than other substance. In fact, testosterone and mercury combine to create a toxic neurochemical. This is supported by the fact 80 percent of children on the autistic spectrum are boys. Also, testosterone binds with mercury, thus rendering it invulnerable to chelators and keeping it stored in the body.

All of this led to personality changes in me similar to the "Mad Hatters", making me a "Modern Day Mad Hatter". However, I did not see these changes. I began to withdraw from people. I started to have mood swings which included sobbing crying spells which previously I never had before. My work goals began to change as I did not interact with coworkers and began to avoid them. I then gradually became more isolated as time went on, further separating myself from people.

My psychiatrist feels evidence favors that I suffer major toxicity from mercury. I hope others learn from my situation.

(b) (6)



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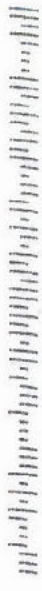


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Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 14 2017

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Chris Wood

(b) (6)

Dear Mr. Wood:

Thank you for your March 16, 2017 letter to the U.S. Environmental Protection Agency in regard to the agency's plans phase out the use of mercury in dental fillings in the United States. The Acting Assistant Administrator for the Office of Chemical Safety and Pollution Prevention has asked me to respond to your inquiry.

The EPA shares your concern about releases of mercury to the environment and potential risks to human health. However, the Toxic Substances Control Act, which is implemented by the Office of Chemical Safety and Pollution Prevention, does not provide authority to regulate mercury in dental fillings. While the EPA has authority under TSCA to regulate the manufacture, processing or distribution in commerce of chemical substances, this authority is generally limited to chemical substances as defined in the statute. The TSCA definition of "chemical substance" specifically excludes devices as defined in the Federal Food, Drug, and Cosmetic Act from regulation under TSCA. Mercury use for dental fillings is considered a device, so consequently the EPA cannot use its general authorities under TSCA to address mercury dental fillings.

Again, thank you for your inquiry and I hope the information provided is helpful. If you have any further questions, please contact me at groeneveld.thomas@epa.gov or 202-566-1188.

Sincerely,

A handwritten signature in blue ink, which appears to read "Th. M. Groeneveld", is positioned above the printed name.

Thomas M. Groeneveld
Special Assistant
National Program Chemicals Division
Office of Pollution Prevention and Toxics

**Complaint -- Archie Elledge Waste Water Treatment Plant in Winston-Salem, NC
(2801 Griffith Road, Winston-Salem, NC 27103)**

1 message

Hines, Kathy <khineski@wfu.edu>

Fri, Feb 24, 2017 at 10:22 PM

To: (b) (6)

pruitt.scott@epa.gov

February 24, 2017



Dear Mr. Pruitt:

I trust that you are well. I write to you because I need your help. My name is Kathy J. Hines and I live in a residential neighborhood close to the Archie Elledge Waster Water Treatment Plant here in Winston-Salem, NC. I attach a copy of a recent letter that I sent to the N.C. Department of Environmental Quality about the air pollution and odor that saturates the air in my neighborhood and also inside of my home. Previously, I have complained to the EPA and other state and local officials about this matter but they all have refused to help me.



Letter, Complaint, Waste water treatment plant.docx

14K

RECEIVED
2017 MAR 27 AM 11:16
OFFICE OF THE
EXECUTIVE SECRETARIAT

January 19, 2017

Bill Ross, Interim Secretary
N.C. Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

RE: Complaint -- Archie Elledge Waste Water Treatment Plant in Winston-Salem, NC
(2801 Griffith Road, Winston-Salem, NC 27103)

Dear Mr. Ross:

My name is Kathy J. Hines and I live in the Griffith Park subdivision (single-family housing), which is near the Archie Elledge Waste Water Treatment Plant in Winston-Salem, NC. Ever since I moved into the neighborhood, I have suffered from the air pollution/odor that is created by the waste water treatment plant. Not only does the pollution/odor saturate the fresh air in the neighborhood, the pollution and odor enter my house.

Whenever the waste water treatment plant performs its operations during the night and early morning hours, I smell the noxious pollution/odor inside my home. It wakes me from my sleep. I breathe in the contamination. I cannot open my windows to air out the house because the air in the neighborhood is contaminated. I have to open my windows to air out my house during the day light hours, as the gases burn off during the day.

I have complained to your department before now and no actions have been taken. I have complained to the city of Winston-Salem and other agencies but no one has done anything about this matter.

If the N.C. Department of Environment Quality tests for compliance during the nights and early morning hours during the times that the Elledge waste water treatment plant is creating the air pollution, I have no doubt that the complaint would fail inspection.

Bill Ross, Interim Secretary

Page Two

January 19, 2017

It is unreasonable and unethical for any city to allow residential building permits for an area that is already polluted and unhealthy for families to live. The city of Winston-Salem already knew that the waste water treatment plant is the source of contaminating the air in that area. They informed me that they invested in odor scrubbing technology regarding air quality. Why allow residential development in an area where the city is creating dangerous gases? The city's representatives indicate that they upgraded the plant with odor scrubbing technology by spending \$52 million. Yet, the contamination is still present. The air quality is poor and I am suffering and no doubt others who live in the neighborhood are too. There are children who live and play in this unhealthy environment.

I am asking the North Carolina Department of Environmental Quality to put a moratorium on all operations of the Archie Elledge Waste Water Treatment Plant until such time the city of Winston-Salem stops polluting and contaminating the air of the residents who reside in the Griffith Park neighborhood and nearby residential areas. Again, there is no doubt in my mind that if the air quality in the neighborhood is inspected during the nights and early mornings when the plant is operating and creating the noxious gases, the waste water treatment plant would fail inspection.

Please let me know if I need to provide you with additional information regarding this matter. I look forward to hearing from you soon.

Best regards,

Kathy J. Hines

(b) (6)

1

Kathy J. Hines

(b) (6)

GREENSBORO NC 274
PIEDMONT TRIAD AREA
17 MAR 2017 PM 6 L



MAR 27 2017

Mr. Scott Pruitt
Administrator of the Environmental Protection
Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460



FCL2032621

20460-





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 14 2017

Ms. Kathy Hines

(b) (6)

Dear Ms. Hines:

Thank for your February 24, 2017 email correspondence to Mr. Scott Pruitt, Administrator of the U. S. Environmental Protection Agency, concerning the City of Winston-Salem's Archie Elledge Waste Water Treatment Plant (Facility). Your email was forwarded to the EPA Region 4 office in Atlanta, Georgia for response. In your email you expressed concern about noxious odors and air pollution from the facility creating quality of life issues for you and your neighborhood.

Although the EPA has authority under the Clean Water Act to regulate the Facility with regard to wastewater treatment operations, there are no federal statutory or regulatory provisions that address the control of odors from wastewater treatment facilities. In an effort to be responsive to your complaint, the EPA contacted the Forsyth County Air Quality Program. Under the direction of the Forsyth County Board of Commissioners, the Office of Environmental Assistance and Protection (OEAP) is authorized to administer the County's Air Quality Control Program. The Facility operates under Air Quality Control Permit No. 00817R8. The EPA has been in communication with OEAP to discuss your concerns. Specifically, on March 7, 2017, the EPA contacted Mr. Minor Barnette, Director of OEAP. Mr. Barnette reported that on February 13, 2017 he met with the Forsyth County Utilities Director, Mr. Courtney Driver, to discuss concerns about odors and air pollution from the Facility. As this is an area outside of our purview, should you have additional questions or concerns, please contact Mr. Barnette of the OEAP Office at (336) 703-2440.

We appreciate your desire to protect and preserve the environment. If we may be of further assistance, please contact Mr. Namon Mathews, in the Region 4 Municipal & Industrial Enforcement Section at (404) 562-9777.

Sincerely,

Mary S. Walker
Director
Water Protection Division

Enclosure

cc: Ms. Sandra Castle

North Carolina Department of Environment and Natural Resources, Winston-Salem Regional Office

ELLEN D. HARVEY

March 18, 2017

Dear Secretary Pruitt,

It has become apparent from your comments that you might want to educate yourself on the importance of the EPA and the causes of climate change.

Accordingly, here is one of the best books ^{with which} you could start. I hope you find this helpful.

Also, if you question the role the EPA has played in reducing pollution etc. perhaps you would like to look at before and after pictures of the LA county horizon, and see how much smog has been reduced, enabling folks to breathe. Or go to Beijing.

Thank you,
Ellen Harvey

SILENT SPRING



The CLASSIC *that* LAUNCHED
the ENVIRONMENTAL MOVEMENT

RACHEL CARSON

Introduction by LINDA LEAR *Afterword by* EDWARD O. WILSON

"The cornerstone of the new environmentalism . . . well crafted, fearless, and succinct." — PETER MATTHIESSEN

Rarely does a single book alter the course of history, but Rachel Carson's *Silent Spring* did exactly that. The outcry that followed its publication in 1962 forced the banning of DDT and spurred revolutionary changes in the laws affecting our air, land, and water. Carson's passionate concern for the future of our planet reverberated powerfully throughout the world, and her eloquent book was instrumental in launching the environmental movement. It is without question one of the landmark books of the twentieth century.

This edition includes an afterword by the author and scientist Edward O. Wilson. The introduction, by the acclaimed biographer Linda Lear, tells the story of Carson's courageous defense of her truths in the face of a ruthless assault from the chemical industry following the publication of *Silent Spring* and before her untimely death.

RACHEL CARSON, 1907–1964, spent a good deal of her professional life as a marine biologist with the U.S. Fish and Wildlife Service. Her first three books — *Under the Sea-Wind*, *The Sea Around Us*, and *The Edge of the Sea* — established her reputation as a first-rate writer on the natural world.

EDWARD O. WILSON is the author of two Pulitzer Prize-winning books, *On Human Nature* and *The Ants*. His most recent book is *The Creation: An Appeal to Save Life on Earth*.

LINDA LEAR is the author of *Rachel Carson: Witness for Nature*.

MARINER

www.marinerbooks.com

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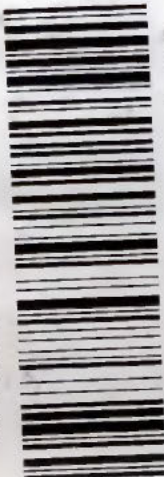
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XO

Encyclical Letter
of the Supreme Pontiff
Francis

ON CARE FOR OUR COMMON HOME

Laudato Si'



March 22, 2017

Dear Administrator Scott Pruitt

All the best in your
new job.

May this give some
good ideas.

Peace,

Mary Sullivan

Contents

Vatican Translation

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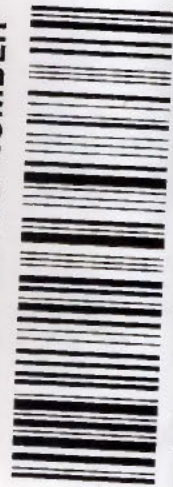
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1200 Pennsylvania Avenue, N.W.
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2017 MAR 27 PM 1:56

OFFICE OF THE
EXECUTIVE SECRETARIAT

January 26, 2017

Mr. Scott Pruitt
Environment Protection Agency
1600 Pennsylvania Ave. NW
Washington D.C 20500

Dear Mr. Pruitt,

I am sending this letter to cabinet members and others inside the Trump administration, only so that President Donald J. Trump can take full credit for complete elimination of taxpayer's identity theft.

This will make headlines for President Trump in a very big way if handled properly!

HOW TO SAVE THE US AMERICAN TAXPAYERS \$5 BILLION.

In order for the US Government to save approximately \$5 billion annually due to identity theft, the IRS should collaborate with Google and use the "Google authenticator" system which is unique to each google account. The Google authenticator generates a new random six-digit code every two minutes unique to each google account (Google may need to create a special authenticator for tax filing purposes that changes every 24 hours so that transmission delays are given consideration for e-filing system delays).

(Please note that with the Google authenticator app on your phone no one will ever be able to hack your Google account because you need a username, a password and a six-digit code located on your phone that changes to a new random number every 60 seconds to access your Google account).

This code could then be used by the taxpayer and tax preparer with all tax software programs for e-filing a tax return with the IRS.

Without the correct random code, no refund would be issued unless all codes were in synch (the six-digit code used to file must agree with the internal IRS Google code maintained by Google).

The Google authenticator system is available to the public, can be accessed from any smart phone or computer and eliminates the need for the US Government to develop and maintain a random number generator system. Google benefits by adding more google

accounts. In 2014 and 2015 approximately 91% of the tax returns were e-filed with the government. According to Google, approximately 74 percent of consumers use Google search, 60 percent of consumers already own Gmail accounts. We are not asking the public to subscribe to a new service. This is service they are familiar with and it is free!

How many businesses would allow \$5 billion to be lost every year if simple safeguards like the above could be put in place to prevent such a loss? Isn't about time NORMAL BUSINESS SAFEGUARDS and internal controls be put in place in our government?

I was talking with an IRS representative on December 16, 2016 about a client that the IRS was questioning regarding possible identity theft. We cleared and confirmed all questions the agent had about the 2014 and 2015 tax return. The agent confirmed that we passed all of her questions. Then she asked if we had any further questions?

I then asked the following question in a very sincere manner, "Yes ma'am. I do have another question. What is the IRS doing for all taxpayers to prevent identity theft for 2016 tax returns about to be filed?"

The agent responded by hanging up!

Sincerely,

A handwritten signature in blue ink, appearing to read 'William Stukey', with a stylized flourish at the end.

William Stukey, CPA
Wm Stukey & Associates, LLC

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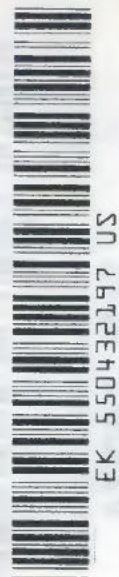
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Subject: Transfer Letter
Date: Tuesday, March 28, 2017 12:30:00 PM
Attachments: [17-000-6772.pdf](#)

Dear Ms. Spriggs:

The attached correspondence was mailed to the U.S. Environmental Protection Agency. The citizen has concerns about taxpayer's identity theft, which is outside the jurisdiction of the EPA and would be more appropriately considered by Internal Revenue Service.

If you need the original correspondence, please let me know within 14 calendar days, after which it will be destroyed.

Thank you for responding to this citizen.

Sincerely,

Jacqueline A. Leavy
Program Analyst
Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-7936



NAVAJO GENERATING STATION

P. O. BOX 850
PAGE, ARIZONA 86040

OFFICE OF THE
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2017 MAR 27 PM 2:54

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March 16, 2017

CERTIFIED MAIL

Mr. Scott Pruitt, Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

SUBJECT: Navajo Generating Station
40 CFR §52.145(d)(12) – Long-term Maintenance Plan

Dear Mr. Pruitt:

In accordance with the reporting requirements of Title 40 of the Code of Federal Regulations (40 CFR §52.145(d)(12)), and Condition No. II.B.9 of Title V Permit No. NN-ROP-05-06, Salt River Project Agricultural Improvement and Power District (SRP), operating agent of the Navajo Generating Station (NGS), provides this letter as notification that a long-term maintenance plan has been prepared for NGS for the period from March 16, 2017 to March 15, 2018.

Final Rule 40 CFR §52.145(d)(12) requires submittal of this plan on March 16 of each year starting in 1993.

Due to the announced shutdown of NGS, circumstances defined in 40 CFR §52.145(d)(13)(i) have occurred that preclude the need for long-term maintenance outages for the NGS Units 1, 2 and 3 for the period of March 16, 2017, to March 15, 2018, as was typical in the past. However, it is anticipated that short-term outages could occur in 2017 to address maintenance issues on an as needed basis.

If circumstances defined in 40 CFR §52.145(d)(13) require a change to this plan, SRP will notify the EPA in accordance with 40 CFR §52.145(d)(12).

As of the date of this letter, SRP has complied with the maintenance plan for the period of November 1, 2016, to March 15, 2017, submitted to EPA last year. The maintenance performed during this period is summarized in the table below.

Navajo Generating Station
 40 CFR §52.145(d)(12) – Long-term Maintenance Plan
 Page 2
 March 16, 2017

UNIT	OFF		ON	
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#1	11/17/16	17:12	11/17/16	18:52
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#1	1/14/17	00:04	1/14/17	00:26
#1	2/27/17	17:06	2/27/17	19:15
#1	2/27/17	23:11	2/28/17	02:29
#1	2/28/17	10:19	2/28/17	10:44
#1	3/03/17	21:06	3/07/17	20:10
#2	11/21/16	11:58	11/21/16	13:17
#2	11/21/16	22:39	11/22/16	05:52
#2	2/08/17	00:59	2/12/17	08:33
#2	2/13/17	00:46	2/13/17	01:30
#2	2/15/17	20:14	2/17/17	15:08
#3	12/05/16	01:05	12/07/16	05:47
#3	1/20/17	01:02	1/20/17	01:35
#3	1/20/17	07:38	1/20/17	08:37
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#3	3/10/17	01:54	3/11/17	11:43
#3	3/13/17	19:35	Anticipated Return Date 3/16/17	-----

If you have any questions regarding this letter, please call me at (928) 645-6217.

Sincerely,



Kenneth J. Frazier
 NGS Plant Manager

cc: K.S. Ramaley
 M. Hummel
 W. R. Alkema
 K. J. Barr
 K. M. Montalvo
 W. J. McClellan

134-002 U. 03/003



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Mr. Scott Pruitt, Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460



Mr. Scott Pruitt, Administrator,
EPA
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Mailing code:1101A
Washington, DC 20460

March 16, 2017

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OFFICE OF THE
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Dear Mr. Pruitt,

Congratulation for you as our new EPA Administrator !

During the past several years, as a whistle blower, I had submitted the report (OMB#2020-0030) backed to January 5, 2013 to inform EPA concerning the illegal dumping of huge amount of hazardous waste material by Dow Chemical Company for decades. This toxic wastes containing "free liquids" of strong acid solution generated from Dow Chemical's CPE (Chlorinated Polyethylene) plant located at Dow's Plaquemine, Louisiana facility. In addition to the strong acid solution, the waste material also contained heavy metals as they intentionally blended large amount of fly ash and others to prevent liquid from dripping during shipping and then dumped it into their landfills which was reserved only for the non-hazardous wastes.

The underground drinking water for the people located near Dow Chemical's site, such as Plaquemine, White Castle, La. has been contaminated seriously in recent years and it's quite possible that the toxic wastes dumped by Dow Chemical was the source of the contamination.

I have sent many letters (via certified mail) to EPA including Ms. Gina McCarthy, the former Administrator, Director for Office of Ground Water and Drinking Water, Assistant Administrator for Solid Wastes, Director of OGWDW, Mr. Peter C. Grevatt, Director, Office of Superfund Remediation and Technology Innovation, Director, Office of Resource Conservation and Recovery (RCRA) and Directors of other departments together with the evidences related to the violations of dumping hazardous waste materials. Unfortunately, I have never received any reply from EPA as the organization was so big and possibly that I could not find the right department to report the violations or the people in EPA may not have the interest to deal with this serious environmental violation committed by the largest chemical company of our nation. As a retiree with the title of scientist of Dow Chemical, I certainly felt it was my obligation and my duty to report such a serious violation to our authority for investigation.

I wrote to Ms. Gina McCarthy, during the Flint, Michigan drinking water contamination with lead crisis, I didn't get answer from her. Compared to Flint, Michigan case, the illegal dumping of CPE hazardous wastes by Dow Chemical could be far more serious and could be considered as the "Worst Environmental Violation in our Nation's History" ! There was no excuse for Dow Chemical to violate the law to dispose toxic waste for making extra profit for their CPE products and to affect the health of the people.

The details or the evidences related to the illegal dumping of the hazardous wastes by Dow

Chemical as presented by us should be in your office file. If you need more information concerning the details of this scandal, I will be more than happy to help!

Thank you for your attention.

Sincerely yours,

David W. Liou

David W. Liou, Scientist (Ret.)
The Dow Chemical Company

Contact Address,

(b) (6)

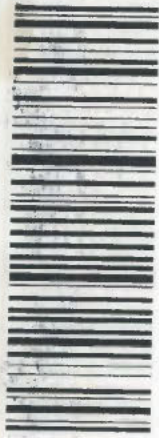
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David W Liou

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EPA

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MAR 27 2017





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

April 25, 2017

David W. Liou

(b) (6)

RE: AX-17-000-6782

Dear Mr. Liou:

The United States Environmental Protection Agency (EPA) is in receipt of your letter dated March 16, 2017, and is sending you this information as a response to your concerns regarding the Dow facility near Plaquemine, Louisiana. We appreciate your regard for the groundwater quality in this area and have duly noted the information you provided in 2013. As you may be aware, the local health department in Iberville Parish discovered vinyl chloride in the drinking water supply at the Myrtle Grove trailer park in 2001. As a result, the Louisiana Department of Environmental Quality (LDEQ) and the EPA have been involved in monitoring the groundwater quality in the Plaquemine Aquifer near Plaquemine which continues today through a formal Cooperative Agreement (CA) amended in 2011.

The CA requires Dow to conduct quarterly groundwater sampling at a set of sentinel wells near the City of Plaquemine drinking water supply wells. The samples are analyzed using EPA Method 524.2 to obtain low detection limits for vinyl chloride, as the Maximum Concentration Limit (MCL) for vinyl chloride is 2 micrograms per liter (ug/L) or parts per billion (ppb). There is also a network of groundwater monitoring wells in the surrounding area that are sampled using EPA Method 8260 for semivolatile organics. Both of the EPA sampling methods can detect many chlorinated ethenes and chlorinated ethanes. You may find further information on the EPA sampling methodologies at this website:

<https://www.epa.gov/dwanalyticalmethods/approved-drinking-water-analytical-methods>.

The Dow Plaquemine facility is conducting corrective action at the facility through the corrective action program administered by the LDEQ through a RCRA permit. Groundwater contamination at the Dow facility is being addressed under the RCRA permit. Documentation, including reports and correspondence is scanned and filed in the LDEQ Electronic Data Management System (EDMS) which is available to the public. You may find the EDMS at this website: <http://edms.deq.louisiana.gov/app/doc/querydef.aspx>. The LDEQ Agency Interest (AI) number for the Dow facility in Plaquemine, Louisiana is 1409.

We are also providing an attachment that may provide useful information for you, as well.

If you should have any questions or concerns, you may contact our Region 6 State and Local Liaison, Carmen Assunto, at 214.665.2200.

Sincerely,

A handwritten signature in black ink that reads "Nancy Fagan". The signature is fluid and cursive, with the first name "Nancy" being larger and more prominent than the last name "Fagan".

Nancy Fagan
EPA Project Manager
Multimedia Division

Attachment

cc: Carey Dicharry, LDEQ

Attachment

Plaquemine, Louisiana

Dow Chemical (AI # 1409) and Myrtle Grove Trailer Park (AI # 81438)

Setting:

Vinyl Chloride (vc) was detected in drinking water supply wells at the Myrtle Grove Trailer park near Plaquemine, Louisiana in 2001 by the local health department. EPA Region 6 assisted LDEQ by installing 5 monitoring wells near Plaquemine. At the same time, Dow installed 37 piezometers in and around Plaquemine. Monitoring for vc and cis,1,2-dichloroethene, or "cis" began in 2001 and continues today for an area that is over 2 miles in diameter. The City of Plaquemine drinking water wells are situated south of the known area of vc and cis contamination in the Plaquemine Aquifer.

Response Actions:

EPA Region 6 conducted a groundwater flow model using data from the EPA wells and the Dow piezometers in 2004. The model indicated a westerly groundwater gradient with some southward trends when the Mississippi River is at high stages and the Plaquemine City wells were pumping. The model also indicated that the Lighthouse Road (LR) landfill, an old dumping site that Dow used in the 60's, could be the major source of the vc plume (located on Dow's property on the river-side of the levee). Dow conducted a remediation of the LR landfill in 2005 as part of corrective action under the RCRA permit issued by LDEQ.

Regulatory Actions:

LDEQ, EPA and Dow entered into a Cooperative Agreement (CA) [October 7, 2004] for Dow to conduct a Remediation Study for the Plaquemine Aquifer and a Treatment Capability Study for the City's water treatment system.

LDEQ, EPA and Dow amended the CA [January 24, 2011] to ensure that Dow would continue to conduct monitoring of the Plaquemine Aquifer and commit to contingency actions if unsafe levels of cis or vc were to encroach the city water supply wells.



5840 Price Ave., Bldg 1017 · McClellan, CA 95652
Customer Service – 866-266-0028 · Fax – 916-640-1823

March 15, 2017

Anita Thompkins, Director
EPA - Drinking Water Protection Division
1200 Pennsylvania Ave NW
Washington, D.C. 20460

RECEIVED
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OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: EPA Development Grant Funding for OCT WQA to Create Nationwide Sustained Online Training Programs

Hello, Mrs. Thompkins!

Online classes and training are now preferred over on-site training by an increasing number of water utility employers across the country regardless of whether they are representative of small, medium or large systems. The old **“threshold criteria”** embraced by EPA to perpetually has fund Rural Water Association and RCAC since 1988 is no longer cost-effective as it wastes funds on administrative costs rather than focusing on education and training of operators. Online training development, with initial grant funding support from EPA, has the potential to deliver more effective training at approximately 10% of the cost compared to the annual cost of supporting on-site training through the two (2) major national associations. Online training can be accessible to operators 24/7/365 year round in just a few key strokes. In September of 2016, we submitted an online online training grant application in response to EPA Announcement EPA-OW-OGWDW-16-02 that was promptly rejected by your three (3) reviewers.

Naturally, the format to develop and deliver Online programs does not fit the traditional threshold criteria of on-site training. Online programs can be offered with fewer staff and associated operating costs.

It is new technology and can offer greater subject matter flexibility compared to what has been traditionally offered by Rural Water or RCAC.

As a 27 year old Western states regional, private post-secondary school for water & wastewater operators, OCT Water Quality Academy does not fit the traditional threshold criteria of maintaining nationwide offices as is the case for the two (2) above referenced associations. Therefore, with the increasing use of **Internet** learning platforms for more effective learning, the need to maintain *brick-and-mortar* offices nationwide is more than outdated.

Current estimates suggest that the Trump Administration will soon shrink the EPA's operating budget by approximately 31% and these cuts may, or may not be, to water and wastewater programs. Trying to sustain Rural Water Association's estimated agglomerated EPA, USDA, etc. budget of \$25 - \$30M per year and on-site approach to

educational and training is no longer cost effective due to the high cost of maintaining offices throughout the nation.

Whereas, Online programs are more readily available throughout the country within a matter of a few minutes and a couple of key strokes. OCT Water Quality Academy needs EPA development grant funding to create an alternative extensive computer based program for approximately \$3.0M per year. That is 10% of what is currently being spent per year to sustain Rural Water and RCAC. Budget, budget, budget!

It is not in best interest of water and wastewater system operators across the country for EPA to continue with its grant competition elimination contest! While this works from an internal bureaucratic standpoint and perpetually funds Rural Water Association and RCAC, it effectively forecloses competition and eliminates the many benefits available to operators across the county from other well-qualified non-profit schools and organizations. The existing threshold criteria are now a good 30 years old and are in dire need of up-dating to utilize current technological advances for more effective and efficient delivery of appropriate education and training. The requirement to be nationwide (meaning brick-and-mortar buildings in each state) is out-dated and needs to be eliminated.

OCT Water Quality Academy (OCTWQA) is an IRS registered 501 c (3) non-profit private career school for water and wastewater operators and has been in continuous operation since it's founding in 1991. The school has been an IACET accredited, educational organization since 2001. This is our full-time purpose and effort, and we have successfully trained and educated over 3,000 operators annually. OCTWQA proposes to transform our in-the-seat training to Internet-based classes for water and wastewater operators. The school will make the following education efforts available to operators throughout the nation: Course work in water – wastewater subject matter from basic to advanced subject matter, individual class subject matter, certification review classes in all subject matter, and online tutoring. Operators from throughout the country will be able to call in to school-based instructors via two (2) each (800) phone numbers. All successfully completed class work will be awarded CEUs. The school's water – wastewater education and training programs are well-known, effective and supported by multiple states on the West coast. Our dedicated program is huge and can benefit all utility personnel throughout the country

Now, OCTWQA needs Online Development funding from EPA. Since its inception in 1991, the school's primary academic mission statement supports and enables the EPA's two (2) mission statements in this area; the Clean Water Act and the Safe Drinking Water Act. It is now right and proper for the EPA finally begin funding and supporting OCT WQA. To this end, our grant staff has prepared an extensive and detailed project Scope of Work outline that includes time schedules, detailed budgets, supporting letters from State's and utilities, etc. that supports an ongoing 3 – 5 year Online Development Grant program at an estimated cost of \$2.5M per year. Maintenance funding beyond the 3 – 5 year period is estimated to cost less than \$2.0M per year.

Briefly, the school proposes to convert over 100 of its currently cataloged water and wastewater classes with a syllabus for each class. The project is further supported by an extensive list of classroom support materials. In addition to utilizing our experienced and permanent teaching staff to create state-of-the-art online classes, we propose to add another 12 – 15 subject matter experts from around the U.S.A. to further development classes that contain Learning objectives, sound supported text with supporting color pictures, graphics, narratives, and end of chapter metric quizzes.

Utilizing a staffed Call-Out Center, we intend to divide the country into 10 regions with each representative assigned to contacting two (2) regions on a permanent basis five (5) days a week. Each representative will initially contact state and territory certification department staff representatives from across the country using contact information from A.B.C., EPA for Indian tribes, then individual water and wastewater systems within every state in the union for more immediate notification purposes.

Every weekday, the representatives in the school's Call-Out Center will work to complete an extensive nationwide contact data base so Online information can be made available daily for operators nationwide. Experience suggests that setting up a nationwide contact database will be an ongoing, time-consuming task, to adequately populate, and then maintain up-dated contact information. As required by IACET, all records of class enrollment/completion will be retained for seven (7) years.

The entire purpose of OCTWQA is to provide effective online training and education for water/wastewater operators nationwide. As TV personality, Mike Lowe, just pointed out to the Trump administration and Congress a few days ago, many jobs cannot be filled due to a lack of education. Our dedicated water – wastewater school, OCT Water Quality Academy, needs its development grant applications funded. Without development grants, thousands of operators are denied a broad host of courses, CEUs and certification preparation classes they so badly need to enter into the municipal utilities field and succeed.

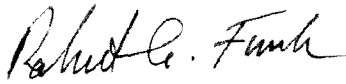
OCT is a fine resource that provides:

- Technical information regarding treatment technologies available and needed to address each system's water and wastewater quality issues,
- Referring systems personnel to appropriate contacts such as manufacturers, water professional associations, government agencies/departments and other stakeholders when appropriate,
- Contributes to the enhancement of knowledge relating to each systems personnel operations or interests,
- Supplies information to improve each operator's understanding of operational requirements,
- Can research and provide available resources such as guidelines, manuals, procedures, courses, and websites, to support water – wastewater system operators to address individual issues.

Page - 3

We urgently submit that it's time for a change.

Please let me know your thoughts

A handwritten signature in cursive script, appearing to read "Robert A. Funk".

Professor Robert A. Funk, MSc., P.E., CET
Director – OCT Water Quality Academy

cc: Secretary of the EPA Scott Pruitt
Matt Brady, Attorney at Law
Adrienne Harris - EPA Drinking Water Protection Division
Bonnie Stewart-Funk, Ph.D.
Yvonne Melkonian – OCT WQA



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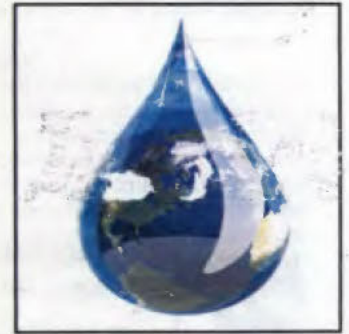
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Professor



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Secretary of the EPA -
SCOTT PRUITT
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

Route E

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Mailstop ARN

Department: 1101A

Certified



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ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

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FAX (302) 577-6630
CRIMINAL DIVISION (302) 577-8500
FAX (302) 577-2496
FRAUD DIVISION (302) 577-8600
FAX (302) 577-6499

Reply to: William J. Kassab
Civil Division
William.Kassab@state.de.us

March 23, 2017

The Honorable Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

**RE: *State of Delaware, Department of Natural Resources & Environmental
Control v. U.S. Environmental Protection Agency, Petition for Review of
Agency Action***


Dear Administrator Pruitt:

Enclosed herewith, please find the State of Delaware, Department of Natural Resources & Environmental Control's (hereinafter "Petitioner") Petition for Review of a final agency action taken by the U.S. Environmental Protection Agency.

The Petitioner has filed identical petitions for review with the Court of Appeals for the Third Circuit and the Court of Appeals for the District of Columbia Circuit in order to preserve its appeal rights and to determine, pursuant to 42 U.S.C. § 7607(b), whether the proper venue for this appeal is the Third Circuit Court of Appeals or the District of Columbia Circuit Court of Appeals.

Thank you for your attention to this matter.

Regards,


William J. Kassab (Del. Bar. Id. No. 5914)
Deputy Attorney General

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STATE OF DELAWARE,)
DEPARTMENT OF NATURAL)
RESOURCES &)
ENVIRONMENTAL CONTROL,)

V.

UNITED STATES)
ENVIRONMENTAL)
PROTECTION AGENCY,)

Docket No.: _____

Petition for Review

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), the State of Delaware, Department of Natural Resources & Environmental Control hereby petitions the court for review of the final rule of the United States Environmental Protection Agency entitled, “Extension of Deadline for Action on the November 28, 2016 Section 126 Petition From Delaware,” published in the Federal Register on January 23, 2017 (82 FR 7695). A copy of the final rule is attached to this petition for review.

Page 1 of 2

**STATE OF DELAWARE,
DEPARTMENT OF JUSTICE**



William J. Kassab (DE Bar Id. No. 5914)

Deputy Attorney General

Delaware Department of Justice

820 North French Street, 6th Floor

Wilmington, Delaware 19801

William.Kassab@state.de.us

Phone: (302) 577-8906

Fax: (302) 577-6630

March 23, 2017

*Attorney for Petitioner, State of Delaware,
Department of Natural Resources &
Environmental Control*

STATE OF DELAWARE,)
DEPARTMENT OF NATURAL)
RESOURCES &)
ENVIRONMENTAL CONTROL,)

V.

UNITED STATES)
ENVIRONMENTAL)
PROTECTION AGENCY,)

Docket No.: _____

Petition for Review

I, William J. Kassab, Deputy Attorney General, hereby certify that on this 23 day of March, 2017, filed the foregoing Petition for Review with the Clerk for the Court of Appeals for the Third Circuit and that, pursuant to Federal Rule of Appellate Procedure 15(c), I sent the foregoing Petition for Review by Certified Mail, Return Receipt Requested, to the following:

Page 1 of 2

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Correspondence Control Unit
Office of General Counsel (2311)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW.
Washington, DC 20460

Mr. Benjamin Gibson
Office of Air Quality Planning and Standards (C545-E)
U.S. Environmental Protection Agency
Research Triangle Park, North Carolina 27709

**STATE OF DELAWARE,
DEPARTMENT OF JUSTICE**



William J. Kassab (DE Bar Id. No. 5914)
Deputy Attorney General
Delaware Department of Justice
820 North French Street, 6th Floor
Wilmington, Delaware 19801
William.Kassab@state.de.us
Phone: (302) 577-8906
Fax: (302) 577-6630

March 23, 2017

*Attorney for Petitioner, State of Delaware,
Department of Natural Resources &
Environmental Control*

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

STATE OF DELAWARE,)
DEPARTMENT OF NATURAL)
RESOURCES &)
ENVIRONMENTAL CONTROL,)

Petitioner,)

v.)

UNITED STATES)
ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

Docket No.: _____

Petition for Review

PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), the State of Delaware, Department of Natural Resources & Environmental Control hereby petitions the court for review of the final rule of the United States Environmental Protection Agency entitled, “Extension of Deadline for Action on the November 28, 2016 Section 126 Petition From Delaware,” published in the Federal Register on January 23, 2017 (82 FR 7695). A copy of the final rule is attached to this petition for review.

**Signature on following page.*

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

STATE OF DELAWARE,)
DEPARTMENT OF NATURAL)
RESOURCES &)
ENVIRONMENTAL CONTROL,)

Petitioner,)

v.)

UNITED STATES)
ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

Docket No.: _____

Petition for Review

CERTIFICATE OF SERVICE

I, William J. Kassab, Deputy Attorney General, hereby certify that on this 23 day of March, 2017, filed the foregoing Petition for Review with the Clerk for the Court of Appeals for the District of Columbia Circuit and that, pursuant to Federal Rule of Appellate Procedure 15(c), I sent the foregoing Petition for Review by Certified Mail, Return Receipt Requested, to the following:

The Honorable Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Correspondence Control Unit
Office of General Counsel (2311)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW.
Washington, DC 20460

Mr. Benjamin Gibson
Office of Air Quality Planning and Standards (C545-E)
U.S. Environmental Protection Agency
Research Triangle Park, North Carolina 27709

**STATE OF DELAWARE,
DEPARTMENT OF JUSTICE**



William J. Kassab (DE Bar Id. No. 5914)

Deputy Attorney General

Delaware Department of Justice

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Phone: (302) 577-8906

Fax: (302) 577-6630

March 23, 2017

*Attorney for Petitioner, State of Delaware,
Department of Natural Resources &
Environmental Control*

Frequently Asked Questions. Office of Information and Regulatory Affairs, February 7, 2011. 12 pages. http://www.whitehouse.gov/sites/default/files/omb/assets/OMB/circulars/a004/a-4_FAQ.pdf.

Smitha, M.W., et al. 2001. Effect of state workplace safety laws on occupational injury rates. *J. Occ. Environ. Med.* 43(12):1001–1010.

West Virginia Office of Miners' Health, Safety and Training. 2015. Notice of Final Filing and Adoption of a Legislative Rule Authorized by the West Virginia Legislature—Rules Governing the Safety of Those Employed in and Around Quarries in West Virginia. West Virginia Secretary of State Filed April 20, 2015. 83 pages.

List of Subjects in 30 CFR Parts 56 and 57

Explosives, Fire prevention, Hazardous substances, Metals, Mine safety and health, Reporting and recordkeeping requirements.

Joseph A. Main,

Assistant Secretary of Labor for Mine Safety and Health.

For the reasons set out in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA is amending chapter I of title 30 of the Code of Federal Regulations as follows:

PART 56—SAFETY AND HEALTH STANDARDS—SURFACE METAL AND NONMETAL MINES

■ 1. The authority citation for part 56 continues to read as follows:

Authority: 30 U.S.C. 811.

■ 2. Revise § 56.18002 to read as follows:

§ 56.18002 Examination of working places.

(a) A competent person designated by the operator shall examine each working place at least once each shift before miners begin work in that place, for conditions that may adversely affect safety or health.

(1) The operator shall promptly notify miners in any affected areas of any conditions found that may adversely affect safety or health and promptly initiate appropriate action to correct such conditions.

(2) Conditions noted by the person conducting the examination that may present an imminent danger shall be brought to the immediate attention of the operator who shall withdraw all persons from the area affected (except persons referred to in section 104(c) of the Federal Mine Safety and Health Act of 1977) until the danger is abated.

(b) A record of each examination shall be made before the end of the shift for which the examination was conducted. The record shall contain the name of the person conducting the examination; date of the examination; location of all areas examined; and description of each condition found that may adversely affect the safety or health of miners.

(c) When a condition that may adversely affect safety or health is corrected, the examination record shall include, or be supplemented to include, the date of the corrective action.

(d) The operator shall maintain the examination records for at least one year, make the records available for inspection by authorized representatives of the Secretary and the representatives of miners, and provide these representatives a copy on request.

PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES

■ 3. The authority citation for part 57 continues to read as follows:

Authority: 30 U.S.C. 811.

■ 4. Revise § 57.18002 to read as follows:

§ 57.18002 Examination of working places.

(a) A competent person designated by the operator shall examine each working place at least once each shift before miners begin work in that place, for conditions that may adversely affect safety or health.

(1) The operator shall promptly notify miners in any affected areas of any conditions found that may adversely affect safety or health and promptly initiate appropriate action to correct such conditions.

(2) Conditions noted by the person conducting the examination that may present an imminent danger shall be brought to the immediate attention of the operator who shall withdraw all persons from the area affected (except persons referred to in section 104(c) of the Federal Mine Safety and Health Act of 1977) until the danger is abated.

(b) A record of each examination shall be made before the end of the shift for which the examination was conducted. The record shall contain the name of the person conducting the examination; date of the examination; location of all areas examined; and description of each condition found that may adversely affect the safety or health of miners.

(c) When a condition that may adversely affect safety or health is corrected, the examination record shall include, or be supplemented to include, the date of the corrective action.

(d) The operator shall maintain the examination records for at least one year, make the records available for inspection by authorized representatives of the Secretary and the representatives of miners, and provide these representatives a copy on request.

[FR Doc. 2017–00832 Filed 1–17–17; 4:15 pm]

BILLING CODE 4510–43–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–HQ–OAR–2016–0764; FRL–9958–26–OAR]

Extension of Deadline for Action on the November 28, 2016 Section 126 Petition From Delaware

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In this action, the Environmental Protection Agency (EPA) is determining that 60 days is insufficient time to complete the technical and other analyses and public notice-and-comment process required for our review of a petition submitted by the state of Delaware pursuant to section 126 of the Clean Air Act (CAA). The petition requests that the EPA make a finding that Conemaugh Generating Station, located in Indiana County, Pennsylvania, emits air pollution that significantly contributes to nonattainment and interferes with maintenance of the 2008 and 2015 ozone national ambient air quality standards (NAAQS) in the state of Delaware. Under section 307(d)(10) of CAA, the EPA is authorized to grant a time extension for responding to a petition if the EPA determines that the extension is necessary to afford the public, and the agency, adequate opportunity to carry out the purposes of the section 307(d) notice-and-comment rulemaking requirements. By this action, the EPA is making that determination. The EPA is, therefore, extending the deadline for acting on the petition to no later than August 3, 2017.

DATES: This final rule is effective on January 23, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2016–0764. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is

restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. Benjamin Gibson, Office of Air Quality Planning and Standards (C545-E), U.S. EPA, Research Triangle Park, North Carolina 27709, telephone number (919) 541-3277, email: gibson.benjamin@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Legal Requirements for Interstate Air Pollution

This is a procedural action to extend the deadline for the EPA to respond to a petition from the state of Delaware filed pursuant to CAA section 126(b). The EPA received the petition on December 5, 2016. The petition requests that the EPA make a finding under section 126(b) of the CAA that the Conemaugh Generating Station, located in Indiana County, Pennsylvania, is operating in a manner that emits air pollutants in violation of the provisions of section 110(a)(2)(D)(i) of the CAA with respect to the 2008 and 2015 ozone NAAQS.

Section 126(b) of the CAA authorizes states to petition the EPA to find that a major source or group of stationary sources in upwind states emits or would emit any air pollutant in violation of the prohibition of CAA section 110(a)(2)(D)(i)¹ by contributing significantly to nonattainment or maintenance problems in downwind states. Section 110(a)(2)(D)(i)(I) of the CAA prohibits emissions of any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any NAAQS. The petition asserts that emissions from Conemaugh Generating Station's two electric generating units emit air pollutants in violation of CAA section 110(a)(2)(D)(i) with respect to the 2008 8-hour ozone NAAQS, set at 0.075 parts per million (ppm), and the revised 2015 8-hour ozone NAAQS, set at 0.070 ppm.²

¹ The text of CAA section 126 codified in the United States Code cross references CAA section 110(a)(2)(D)(ii) instead of CAA section 110(a)(2)(D)(i). The courts have confirmed that this is a scrivener's error and the correct cross reference is to CAA section 110(a)(2)(D)(i). See *Appalachian Power Co. v. EPA*, 249 F.3d 1032, 1040-44 (D.C. Cir. 2001).

² On October 1, 2015, the EPA strengthened the ground-level ozone NAAQS, based on extensive scientific evidence about ozone's effects on public health and welfare. See 80 FR 65291 (October 26, 2015).

Pursuant to CAA section 126(b), the EPA must make the finding requested in the petition, or must deny the petition within 60 days of its receipt. Under CAA section 126(c), any existing sources for which the EPA makes the requested finding must cease operations within 3 months of the finding, except that the source may continue to operate if it complies with emission limitations and compliance schedules (containing increments of progress) that the EPA may provide to bring about compliance with the applicable requirements as expeditiously as practical but no later than 3 years from the date of the finding.

CAA section 126(b) further provides that the EPA must hold a public hearing on the petition. The EPA's action under CAA section 126 is also subject to the procedural requirements of CAA section 307(d). See CAA section 307(d)(1)(N). One of these requirements is notice-and-comment rulemaking, under section 307(d)(3)-(6).

In addition, CAA section 307(d)(10) provides for a time extension, under certain circumstances, for a rulemaking subject to CAA section 307(d). Specifically, CAA section 307(d)(10) provides:

Each statutory deadline for promulgation of rules to which this subsection applies which requires promulgation less than six months after date of proposal may be extended to not more than six months after date of proposal by the Administrator upon a determination that such extension is necessary to afford the public, and the agency, adequate opportunity to carry out the purposes of the subsection.

CAA section 307(d)(10) may be applied to CAA section 126 rulemakings because the 60-day time limit under CAA section 126(b) necessarily limits the period for promulgation of a final rule after proposal to less than 6 months.

II. Final Rule

A. Rule

In accordance with CAA section 307(d)(10), the EPA is determining that the 60-day period afforded by CAA section 126(b) for responding to the petition from the state of Delaware is not adequate to allow the public and the agency the opportunity to carry out the purposes of CAA section 307(d). Specifically, the 60-day period is insufficient for the EPA to complete the necessary technical review, develop an adequate proposal, and allow time for notice and comment, including an opportunity for public hearing, on a proposed finding regarding whether the Conemaugh Generating Station

identified in the CAA section 126 petition contributes significantly to nonattainment or interferes with maintenance of the 2008 ozone NAAQS or the 2015 ozone NAAQS in Delaware. Moreover, the 60-day period is insufficient for the EPA to review and develop response to any public comments on a proposed finding, or testimony supplied at a public hearing, and to develop and promulgate a final finding in response to the petition. The EPA is in the process of determining an appropriate schedule for action on the CAA section 126 petition. This schedule must afford the EPA adequate time to prepare a proposal that clearly elucidates the issues to facilitate public comment, and must provide adequate time for the public to comment and for the EPA to review and develop responses to those comments prior to issuing the final rule. As a result of this extension, the deadline for the EPA to act on the petition is August 3, 2017.

B. Notice and Comment Under the Administrative Procedures Act (APA)

This document is a final agency action, but may not be subject to the notice-and-comment requirements of the APA, 5 U.S.C. 553(b). The EPA believes that, because of the limited time provided to make a determination, the deadline for action on the CAA section 126 petition should be extended. Congress may not have intended such a determination to be subject to notice-and-comment rulemaking. However, to the extent that this determination otherwise would require notice and opportunity for public comment, there is good cause within the meaning of 5 U.S.C. 553(b)(3)(B) not to apply those requirements here. Providing for notice and comment would be impracticable because of the limited time provided for making this determination, and would be contrary to the public interest because it would divert agency resources from the substantive review of the CAA section 126 petition.

C. Effective Date Under the APA

This action is effective on January 23, 2017. Under the APA, 5 U.S.C. 553(d)(3), agency rulemaking may take effect before 30 days after the date of publication in the **Federal Register** if the agency has good cause to mandate an earlier effective date. This action—a deadline extension—must take effect immediately because its purpose is to extend by 6 months the deadline for action on the petition. As discussed earlier, the EPA intends to use the 6-month extension period to develop a proposal on the petition and provide time for public comment before issuing

the final rule. It would not be possible for the EPA to complete the required notice and comment and public hearing process within the original 60-day period noted in the statute. These reasons support an immediate effective date.

III. Statutory and Executive Order Reviews

A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is exempt from review by the Office of Management and Budget because it simply extends the date for the EPA to take action on a petition.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This good cause final action simply extends the date for the EPA to take action on a petition and does not impose any new obligations or enforceable duties on any state, local or tribal governments or the private sector. It does not contain any recordkeeping or reporting requirements.

C. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice-and-comment rulemaking requirements under the APA, 5 U.S.C. 553, or any other statute. This rule is not subject to notice-and-comment requirements because the agency has invoked the APA good cause exemption under 5 U.S.C. 553(b).

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. This good cause final

action simply extends the date for the EPA to take action on a petition. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This good cause final action simply extends the date for the EPA to take action on a petition and does not have any impact on human health or the environment.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice-and-comment rulemaking procedures are impracticable, unnecessary or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this rule as discussed in Section II.B of this document, including the basis for that finding.

IV. Statutory Authority

The statutory authority for this action is provided by sections 110, 126 and

307 of the CAA as amended (42 U.S.C. 7410, 7426 and 7607).

V. Judicial Review

Under section 307(b)(1) of the CAA, judicial review of this final rule is available only by the filing of a petition for review in the U.S. Court of Appeals for the appropriate circuit by March 24, 2017. Under section 307(b)(2) of the CAA, the requirements that are the subject of this final rule may not be challenged later in civil or criminal proceedings brought by us to enforce these requirements.

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practices and procedures, Air pollution control, Electric utilities, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone.

Dated: January 9, 2017.

Gina McCarthy,
Administrator.

[FR Doc. 2017–00760 Filed 1–19–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2016–0002; Internal Agency Docket No. FEMA–8463]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book

Kassab

STATE OF DELAWARE
DEPARTMENT OF JUSTICE
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MAR 27 2017

The Honorable Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Route **EPA Mail**

To: Pruitt, Scott

Mailstop ARN

Department: 1101A

Certified



Mon Mar 27 15:56:23 EDT 2017
Hope.Brian@epamail.epa.gov
FW: NACAA Letter on Budget Blueprint
To: CMS.OEX@epamail.epa.gov

DRF

From: Mary Sullivan Douglas [mailto:mdouglas@4cleanair.org]
Sent: Monday, March 27, 2017 2:52 PM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: NACAA Letter on Budget Blueprint

Dear Administrator Pruitt,

Attached please find a letter from the National Association of Clean Air Agencies (NACAA) regarding the FY 2018 “Budget Blueprint.”

Please let us know if you have any questions.

Thank you.

Mary Sullivan Douglas
National Association of Clean Air Agencies
444 North Capitol Street, NW, Suite 307
Washington, DC 20001
(202) 624-7864
mdouglas@4cleanair.org
www.4cleanair.org

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March 27, 2017

The Honorable Lisa Murkowski
Chairman
Senate Appropriations Subcommittee on
Interior, Environment, and Related Agencies
U.S. Senate
Washington, DC 20510

The Honorable Ken Calvert
Chairman
House Appropriations Subcommittee on
Interior, Environment, and Related Agencies
U.S. House of Representatives
Washington, DC 20515

The Honorable Tom Udall
Ranking Member
Senate Appropriations Subcommittee on
Interior, Environment, and Related Agencies
U.S. Senate
Washington, DC 20510

The Honorable Betty McCollum
Ranking Member
House Appropriations Subcommittee on
Interior, Environment, and Related Agencies
U.S. House of Representatives
Washington, DC 20515

Dear Senators Murkowski and Udall and Congressmen Calvert and McCollum:

As the Co-Presidents of the National Association of Clean Air Agencies (NACAA), we are deeply concerned about the significant reductions to the FY 2018 budget for the U.S. Environmental Protection Agency (EPA) proposed in *America First: A Budget Blueprint to Make America Great Again* (Budget Blueprint), which was released on March 16, 2017. In particular, reductions to state and local air pollution control agency grants under Sections 103 and 105 of the Clean Air Act will have profound adverse impacts on public health and welfare.

NACAA is a national, non-partisan, non-profit association of state and local air pollution control agencies in 45 states, the District of Columbia and four territories. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the United States. The views expressed in this document do not necessarily represent the positions of every state and local air pollution control agency in the country.

The proposed Budget Blueprint for FY 2018 calls for a 31-percent reduction in EPA's budget and a 45-percent cut in categorical grants to state and local agencies. While the blueprint does not specify cuts to each media program (e.g., air, water, solid waste), we are very troubled by the possibility of commensurate reductions to federal grants to state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act. A 45-percent reduction would decrease Section 103/105 grants from \$227.8 million in FY 2017 to \$126 million in FY 2018. Such a reduction would be devastating to state and local air quality programs.

State and local air pollution control agencies have struggled with insufficient resources for many years. A NACAA study revealed an annual shortfall of \$550 million in federal grants for state and local air programs.¹ To make matters worse, the purchasing power of federal grants has decreased by nearly 17 percent since 2000 due to inflation, during which time state and local responsibilities have expanded almost exponentially. Due to these economic hardships, states and localities increasingly rely on federal grants provided by the Clean Air Act. State and local agencies would find it difficult to accommodate *any* cuts to air quality grants; reductions of the magnitude proposed in the Budget Blueprint would have devastating impacts and could result in some agencies being forced to turn some or all of their responsibilities over to EPA. That would mean less local control over issues like permitting and air quality monitoring.

Federal grants support a host of essential state and local agency programs designed to attain and maintain healthful air quality. These include, among others, implementation of the health-based national ambient air quality standards (NAAQS) for multiple pollutants, development of State Implementation Plans (SIPs), implementation of air toxics standards and implementation of control measures related to visibility and regional haze. These efforts require many resource- and labor-intensive activities including, among other things, planning, compiling comprehensive emission inventories, carrying out complex modeling, analyzing extensive data, adopting regulations, inspecting facilities, enforcing regulations, addressing complicated transport issues, issuing minor source permits and informing and involving the public in air quality decisions and issues. Our members are responsible for carrying out a host of federal requirements. Asking them to do so with fewer resources is a recipe for failure and litigation when they cannot achieve them.

Air pollution presents a pervasive national threat to public health and the environment and is a problem against which individuals cannot protect themselves. We know of no other environmental problem presenting greater risk. Air quality agencies at all levels of government have worked diligently for many years in pursuit of our clean air goals. In spite of considerable improvements, clean, healthful air nationwide still eludes us. For example, more than half of our country's population lives in areas that do not attain the health-based standards for one or more criteria pollutants. The magnitude of our air quality problem and the associated health effects make it clear that funding for the control of air pollution should be a top priority.

While cuts to state and local air quality grants would hinder our important work, we are also concerned about the proposed reductions to EPA's operating budget. Notwithstanding the essential contributions of state and local air agencies to air quality, the federal government's job is critical as well. If we are to achieve and maintain healthful air quality, state and local air agencies must rely on EPA to carry out its responsibilities in assisting state and local air quality programs. The assistance involves, among other things, developing nationally applicable regulations and guidance, conducting research and development, assisting with enforcement activities under some parts of the Act, and carrying out the appropriate oversight of state and local air quality programs. We all work with EPA on a regular basis and are prepared to participate in discussions about how the agency can be more effective, but it is vitally important

¹ *Investing in Clean Air and Public Health: A Needs Survey of State and Local Air Pollution Control Agencies*, (April 2009), NACAA, www.4cleanair.org/Documents/reportneedssurvey042709.pdf

that EPA be adequately funded as well. We are very concerned that the proposed cuts are so significant that it would be impossible for EPA to carry out this mission.

In conclusion, we are extremely troubled about the severe budget cuts that have been proposed in the FY 2018 Budget Blueprint for state and local air quality grants in particular and EPA's budget in general and the devastating adverse effects they could have on our efforts to protect public health and the environment. We urge the Administration and Congress to ensure that the proposed reductions to state and local air quality grants under Sections 103 and 105 do not become a reality and that EPA is funded adequately to discharge its responsibilities.

Sincerely,



David Klemp
Montana
Co-President of NACAA



Craig T. Kenworthy
Puget Sound Clean Air Agency, WA
Co-President of NACAA

cc: Scott Pruitt, EPA Administrator
Mick Mulvaney, Director, Office of Management and Budget

RECEIVED
2017 APR -3 PM 1:14

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March 27, 2017

The Honorable Lisa Murkowski
Chairman
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Sincerely,



David Klemp
Montana
Co-President of NACAA



Craig T. Kenworthy
Puget Sound Clean Air Agency, WA
Co-President of NACAA

cc: Scott Pruitt, EPA Administrator
Mick Mulvaney, Director, Office of Management and Budget



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The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

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Mon Mar 27 17:36:52 EDT 2017
Hope.Brian@epamail.epa.gov
FW: Recommendation for EPA Region 10 Administrator [WARNING: SPF validation failed]
To: CMS.OEX@epamail.epa.gov

DRF

From: Coyner, Emily W. [mailto:ecoyner@nssga.org]
Sent: Monday, March 27, 2017 5:18 PM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: Recommendation for EPA Region 10 Administrator [WARNING: SPF validation failed]

Administrator Pruitt

Attached is NSSGA’s recommendation for the EPA Region 10 Administrator position, Senator Doug Erickson. Thank you for your consideration.

Emily W. Coyner, P.G.

Director, Environmental Policy

National Stone, Sand, and Gravel Association

66 Canal Center Plaza, Suite 300

Alexandria, VA 22314

703 526-1064/CELL 703 772-2499

www.nssga.org

March 27, 2017

Administrator Scott Pruitt
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Pruitt:

NSSGA urges you and the administration to consider the appointment of Senator Doug Erickson as EPA Region 10 Administrator. As you can see from the attached recommendation and supporting information from the Washington Aggregates and Concrete Association, Senator Erickson has unique understand of the regional environmental issues facing the aggregates industry.

NSSGA deeply appreciates the commitment of you and the administration to fix the damaging Waters of the U.S. rule. As you know, the Final 2015 rule creates confusion and would be damaging to many industries, particularly the producers of stone, sand and gravel. The materials our members produce are necessary for every aspect of President Trump's plan for infrastructure.

Thank you for your consideration. I can be reached at (703) 526-1060 / mjohnson@nssga.org.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Johnson", is written over a horizontal line.

Michael W. Johnson
President & CEO



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Lafarge
Seattle

ASSOCIATION STAFF

BRUCE CHATTIN
Executive Director

NIKKI BLASE
Member Services Director

STEVE BUCKNER
Millennia Public Affairs

March 14, 2017

To: President Elect Trump Transition Team
Sen. Don Benton; Washington State Director

From: Washington Aggregates & Concrete Association

Re: Senator Doug Ericksen Recommendation for Region 10 EPA Administrator Position

Senator Benton and team,

Washington State Senator Doug Ericksen is currently serving on the EPA Transition Team as the EPA Transition Team Communication Lead. He is also serving as State Senator and Chairman of the Energy, Environment and Telecommunications Committee in Washington State. Senator Ericksen has expressed interest and willingness to proudly serve the Trump Administration as the Region 10 EPA Administrator.

As a State Senator and Committee Chairman, Senator Ericksen has firsthand knowledge and experience working on key environmental issues that are impacting Region 10. These include energy production and transport, brownfield redevelopment, water quality standards, mining, forestry, dairy and agricultural issues. He has proven he can win on the most complicated issues in the one of the most challenging political environments on the West Coast. Senator Ericksen has managed staff, interest groups, and business advocates effectively to get results.

We know Senator Ericksen as an advocate for environmental and regulatory balance. The positions he has taken to support our industry are very much in line with President Trump's expectations for the reduction of regulations (1 replaces 2), to implement sound and practical environmental policy and regulations and will be an asset to EPA Director Pruitt.

WA State is often a "leader" in environmental regulation. The agency is often over reaching, produces regulations not based on sound fact, and are consistently costly and burdensome. Placing Senator Ericksen in the position of Region 10 Administrator would provide much needed oversight to our WA State Dept. of Ecology. Senator Ericksen has proven he can work with and as necessary, step in to manage regulations that are burdensome to small businesses and impacts state and local transportation / infrastructure projects; their budgets and timelines. We need a Region 10 administrator that will be engaged to work with and manage our regional environmental agencies and insure we are meeting our obligations for environmental protection in a practical, cost effective and efficient manner. As chairman of the Chairman Senate Energy, Environment, and Telecommunications Committee and his leadership position in the Senate, we have the ability to discuss issues and concerns that impact our members not only in his District, but statewide. His communication and strategy skills are an asset to helping businesses manage the challenges of doing business in Washington State.

At the very local level in working with business groups, Associations and his constituents, Senator Ericksen has always been an advocate to willing to work with and on the issues that matter to the businesses in his community. In our experience, Senator Erickson has taken on numerous leadership roles in taking on core issues that would impact Washington State. Senator Ericksen was instrumental to balance the discussion and arguments on Gov. Inslee's Carbon and Climate Change policies. He advocated for a reasonable conclusions and outcomes and wasn't afraid to challenge the Governor's assertions of policy benefits and revenue schemes.

Senator Ericksen served as the Deputy Director for the Trump Campaign in Washington State. He was an early endorser and supporter of President Trump. Doug served as lead media contact for then candidate Trump in the print, radio, and TV markets in the Northwest. He was a very visible Trump supporter in all media markets. Ericksen was the lead organizer for the 3 Trump Rallies in Washington state, including the Lynden rally which he organized in less than 72 hours after the Seattle airport location was cancelled by local elected officials.

On the Transition Team, Senator Ericksen serves on the Executive team and leads our communications efforts. In this capacity he has been involved in all key decisions made by the team and is involved with all aspects of the current transition operation. Being part of the executive team during the transition provides critical knowledge on how the EPA works and how it can work better.

Ericksen has a MA in Environmental Policy and a strong commitment to clean air, clean water, and public health. He is an avid outdoorsman, hunter, kayaker, and hiker. He understands the region, has a vision for transforming how the EPA operates, and is an excellent choice for this position.

Senator Doug Ericksen has the experience, knowledge, skill set, courage and the tenacity to lead Region 10 under the Trump Administration. We urge your strong consideration of his nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Chattin", with a stylized flourish extending to the right.

Bruce Chattin
Executive Director

SENATOR DOUG ERICKSEN

7028 Dahlberg Road, Ferndale, WA 98248 | C: 360-920-3276 | Doug@DougEricksen.com

EXECUTIVE PROFILE

A positive business focused leader. Accomplished State Senator and Chair of the Senate Energy, Environment and Telecommunications Committee in Washington State. Passionate champion of American jobs, American workers, and an America First Energy Policy. Provides innovative solutions and implements job creating policies in a divided government state. Demonstrates the skills to win tough economic and political battles as the only Republican Energy Chair on the West Coast.

SKILL HIGHLIGHTS

- Leadership/communication skills
- Project management
- Business operations organization
- Budgeting expertise
- Negotiations expert
- International relations skills and experience
- Proven winning record on difficult legislation

CORE ACCOMPLISHMENTS

As Chair of the Senate Energy, Environment and Telecommunications Committee (recent)

- Created and implemented model Crude-by-Rail legislation to promote energy independence and increase safety for local communities
- Achieved successes to protect and expand oil refining industry on the West Coast
- Created and implemented environmental permitting laws to promote economic development and job creation
- Nation leading legislation for development and deployment of high speed telecommunications in urban and rural areas
- Saved thousands of American manufacturing jobs in aluminum industry
- Increased relationships with foreign trade partners on the Pacific Rim
- Prevented job killing taxes and excessive regulations

As Deputy Director Washington State Donald Trump for President

- In state manager of Trump pre-primary rally in Lynden, WA. Record crowd at facility with +/-5000 people overflow.
- In state manager of Trump rally in Everett, WA. Record crowd at facility with +/- 7000 people overflow.
- Campaign effort helped secure 76% of GOP primary vote
- Increased earned media hits in Washington through media outreach and relationships
- (over for professional experience and education)

PROFESSIONAL EXPERIENCE

- 01/2011 to Current** **Senator for the 42nd District of Washington State**
- Chairman of the Senate Energy, Environment and Telecommunications Committee
 - Member of Transportation Committee
 - Member of Rules Committee
 - Member American Legislative Exchange Council
- 04/2016 to Current** **Donald Trump for President--Washington State Deputy Director**
- Managed Trump rallies in Lynden and Everett with Trump advance teams, local/federal law enforcement and Trump WA volunteer teams
 - Managed field teams in Western Washington
 - Managed earned media campaign with Sen. Don Benton
 - Served as campaign spokesperson on radio and TV
- 01/1999 to 01/2011** **Representative for the 42nd District Washington State**
- Legislative Ethics Committee 2003-2010
 - Floor Leader, Ranking Republican on Transportation Committee
 - Restructured transportation permitting system
 - Nationally published article on health care reform
- 01/1999 to Current** **International Relations**
- Extensive experience representing Washington State on trade and diplomatic issues.
- Trade missions, diplomatic missions and meetings with trade partners.
 - Recent engagement with Taiwan (ROC), South Korea, and Cambodia.
- 08/2016 to Current** **Board of Directors for Cruise Through Cancer**
- Bellingham, WA
- Non-Profit that provides individuals and families suffering through cancer with free recreational guided yacht cruises.

EDUCATION

- 1991** **Bachelor of Arts: Government**
Cornell University — Ithaca, New York
- Concentration in International Relations
 - Varsity Baseball, Football, Sigma Chi Fraternity.
- 1995** **Master of Arts: Political Science and Environmental Policy**
Western Washington University — Bellingham, Washington
- Program focused on the relationship of government and environmental issues



Washington State Trump Team

SEN. DON BENTON —WASHINGTON STATE DIRECTOR

SEN. DOUG ERICKSEN—DEPUTY DIRECTOR AND WESTERN WA DIRECTOR

SEN. BRIAN DANSEL—EASTERN WASHINGTON DIRECTOR

December 23, 2106

TO: President Elect Trump Transition Team
FROM: Senator Doug Ericksen—Chairman Senate Energy, Environment, and
Telecommunications Committee

Early in 2016 I had the honor of becoming the Deputy Director of the Washington State Donald Trump for President Campaign. Working with Sen. Don Benton and Sen. Brian Dangel we were among the earliest supporters of President Elect Trump on the West Coast and three of the first 100 direct employees of the Trump Campaign.

As the Chairman of the Senate Energy, Environment, and Telecommunications Committee I have implemented policies in a blue state that match the goals of President Elect Trump.

Energy independence, an America First energy policy and an environmental regulatory system that allows us to create jobs in America has been my focus. We have won in Washington on many fronts—including landmark crude-by-rail legislation, electricity production, and environmental regulatory reforms.

I have stood in the breach in a Democrat controlled state on the West Coast of our great nation, fought for the American worker and been successful.

My accomplishments and vision for America match the goals laid out by President Elect Trump. We have a once in a lifetime opportunity to do great things and put America back on track.

I am prepared, experienced and ready to serve the Trump Administration at the highest levels. In particular my areas of experience and education are a perfect fit to lead the Environmental Protection Agency or the Department of Energy. I know firsthand the impacts of bad federal policy and I know how to fix it.

Specifically I am interested in the position of Region 10 EPA Director.

I look forward to working with the new Trump administration on the hard work in front of us.

Sincerely,

Senator Doug Ericksen
Chairman Senate Energy, Environment, and Telecommunications Committee
Washington State

PK ENVIRONMENTAL
Planning & Engineering
PO Box 1066, 205 Main Street
Chatham, New Jersey 07928

Sandra E. Kehrley, PE
John P. Peel, PP

tel (973) 635-4011
fax (973) 635-4023

FHA NOTICE LETTER

TO: Long Hill Township Construction Official, Long Hill Township Environmental Commission, Long Hill Township Planning Board, Morris County Planning Board, and Property Owners Within 200-Foot Block 14602 Lot 4.01, located at 200 New Vernon Road, in Long Hill Township, Morris County, NJ.

FROM: Sandra Kehrley, PE @ PK ENVIRONMENTAL

DATE: March 13, 2017

RE: NJDEP Flood Hazard Area (FHA) Individual Permit (IP) Application
AirDome Replacement
Block 14602 Lot 4.01 (200 New Vernon Road)
Township of Long Hill, Morris County, NJ
Owner/Applicant: Indoor Soccer LLC (Kevin Costello)

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2017 MAR 28 AM 9:43

This "FHA Notice Letter" provides you with legal notification that Kevin Costello of Indoor Soccer, LLC is submitting an application for authorization of an NJDEP Flood Hazard Area (FHA) FHA Individual Permit (IP) to reconstruct the inflatable AirDome structure within the footprint of the former structure which was damaged during a snow storm in early 2016 as detailed on the enclosed NJDEP DLUR application form and Site Plan. The site is located within the NJ Flood Hazard Area of the Black Brook, however no flood storage volume displacement, vegetation or soil disturbance will occur within any on-site floodplain, riparian zone, wetlands, and/or wetland transition area.

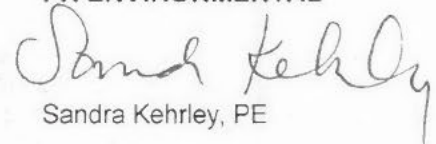
If you have any comments or questions regarding this application, please submit your written comments along with a copy of the first page of the attached DLUR application form to:

Engineering Supervisor (Morris County)
NJDEP Division of Land Use Regulation (DLUR)
Mail Code 501-02A, PO Box 420
Trenton, NJ 08625

Your comments must be sent within 15-days of your receipt of this letter to ensure that the NJDEP will be able to consider your concerns during its review of this application. You can submit comments after this date but the NJDEP may not be able to address your concerns. You can also contact the NJDEP by telephone at 609-292-0060, and can obtain general information about the FHA program at the following website: www.nj.gov/dep/landuse

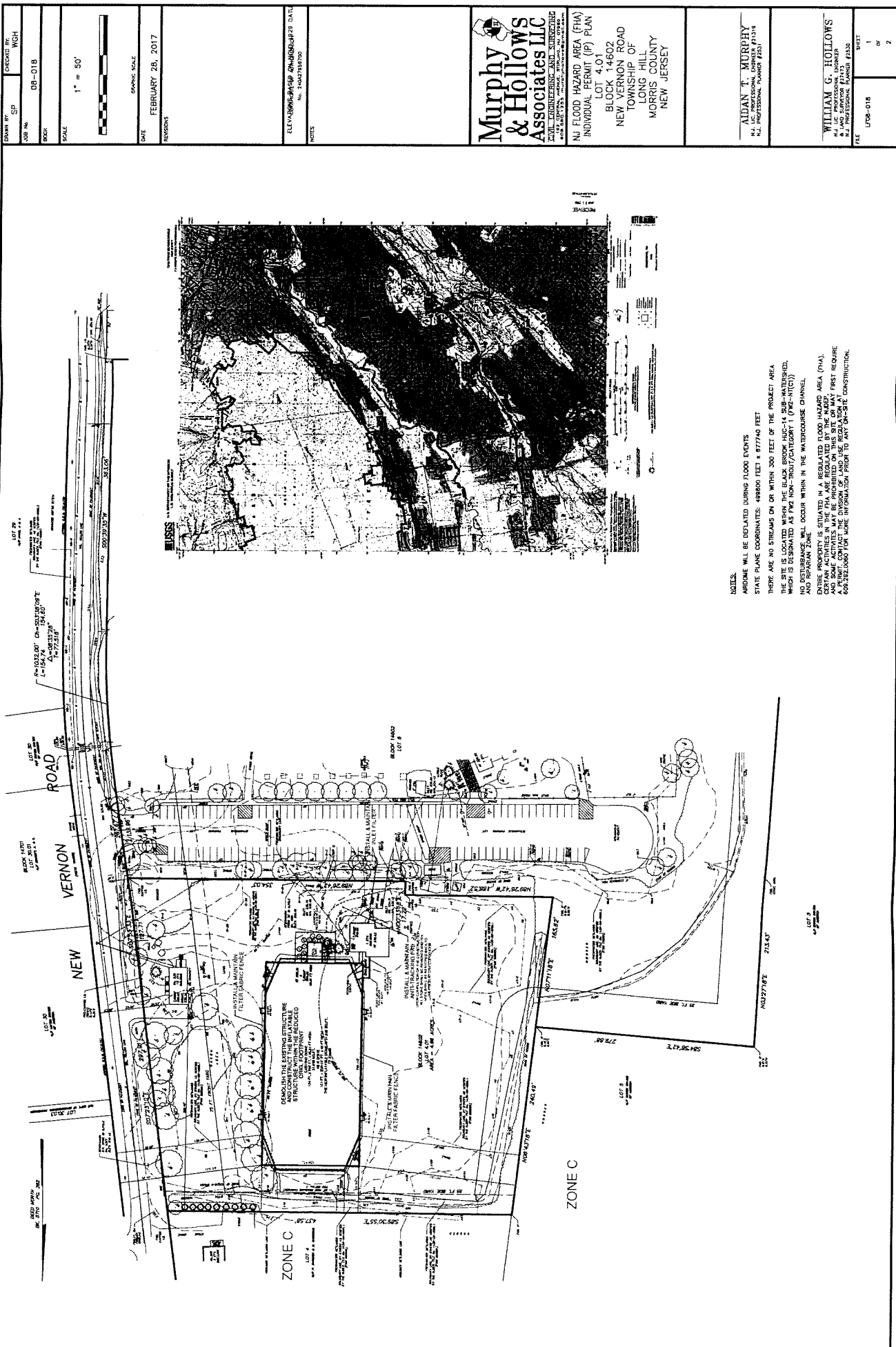
Sincerely,

PK ENVIRONMENTAL


Sandra Kehrley, PE

ENC

cc: Dennis Contois (NJDEP)
CERTIFIED MAIL

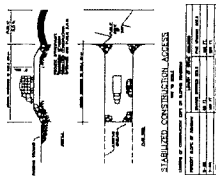


North County Soil Conservation District
Soil Erosion and Sediment Control Notes

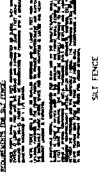
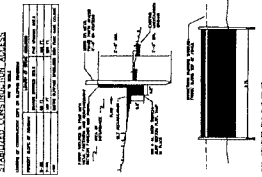
1. All Soil Erosion and Sediment Control Devices will be installed in accordance with the Standards for Soil Erosion and Sediment Control, New Jersey, and will be in place prior to any major earth disturbance, or in their proper sequence and maintained until permanent protection is established.
2. Any disturbed area that will be left exposed for more than thirty (30) days and not subject to temporary seeding, the disturbed area will be seeded with straw or hay and stabilized in accordance with the New Jersey Standards. See Note 21 below.
3. Permanent vegetation is to be established on exposed areas within ten (10) days after final grading. Mulch is to be used for protection until vegetation is established. See Note 22 below.
4. Immediately following initial disturbance or rough grading, all eroded areas (steep slopes, sandy soils, wet conditions) subject to erosion will receive a temporary seeding in accordance with Note 21 below.
5. Temporary diversion ditches are to be installed on all cleared roadway and easement areas. See the Diversion Detail.
6. Permanent Seeding and Stabilization is to be in accordance with the Standards for Permanent Seeding and Stabilization for Soil Erosion and Sediment Control.
7. The soil shall at all times be graded and maintained so that all eroded areas itself is directed to soil erosion and sediment control facilities.
8. All stabilization structures (oil Cuts, mist filters, and sediment basins) will be installed and maintained daily.
9. Slopes shall not be treated within 50' of a floodplain, slope, drainage facility, or roadway. All structures have to have a full time property maintained at the top of slope.
10. A Stabilized Construction Access will be installed, whenever an erosion and sediment control device is installed. See the Stabilized Construction Access detail and sheet for dimensions.
11. All new roadways will be treated with suitable soil upon establishment of final grade elevation.
12. Travel roadways must be kept clear at all times.
13. Before discharge points become operational, all storm drainage outlets will be exhibited as required.
14. All excavation operations must be designed directly into a sediment filter area. The filter should be composed of a fabric or approved material. See the Diversion detail.
15. All sediment basins will be checked when the capacity has been reduced by 50%. A clean out elevation will be indicated on the plan and a marker installed on the site.

SEQUENCE OF CONSTRUCTION

1. DAY
INSTALL SET FENCE ALONG LIMITS OF DISTURBANCE
1. DAY
INSTALL ANTI-TRACKING PAD (IF REQUIRED)
1. DAY
CONSTRUCT AIRBORNE PLATON
4. WEEKS
FINE GRADE SITE AND SEED WHERE REQUIRED
1. DAY
REINSTATE EXISTING DRAINAGE AND EROSION AND SEDIMENT CONTROL MEASURES
1. DAY
TOPSOIL AND SEED SITE



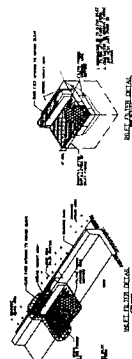
EROSION CONTROL		EROSION CONTROL	
1. DAY INSTALL SET FENCE ALONG LIMITS OF DISTURBANCE		1. DAY INSTALL ANTI-TRACKING PAD (IF REQUIRED)	
1. DAY CONSTRUCT AIRBORNE PLATON		4. WEEKS FINE GRADE SITE AND SEED WHERE REQUIRED	
1. DAY REINSTATE EXISTING DRAINAGE AND EROSION AND SEDIMENT CONTROL MEASURES		1. DAY TOPSOIL AND SEED SITE	



SOIL FENCE

16. During and after construction, the applicant will be responsible for the maintenance and upkeep of the erosion control devices, vegetation cover, and any other measures required to prevent erosion. The District and responsible will and when completed work is approved by the Morris County Soil Conservation District.
17. All trees outside the disturbance limit indicated on the subject plan or those trees within the protection devices, shall be protected with tree protection devices. See the Tree Protection Detail.
18. The Morris County Soil Conservation District may require additional measures to maintain on the site off the erosion problem during construction.
19. The Morris County Soil Conservation District may require additional measures to maintain on the site off the erosion problem during construction.
20. Contractors to set up a station with the inspector for periodic inspections of the Temporary Sediment Basin prior to and during its construction.
21. Temporary Sediment Basins
- a) Apply Gravel Limitations at a rate of 90 lbs per 1000 sq. ft.
- b) Apply Gravel Limitations at a rate of 11 lbs per 1000 sq. ft.
- c) Apply Gravel Limitations at a rate of 13 lbs per 1000 sq. ft.
- d) Apply Gravel Limitations at a rate of 15 lbs per 1000 sq. ft.
- e) Apply Gravel Limitations at a rate of 17 lbs per 1000 sq. ft.
- f) Apply Gravel Limitations at a rate of 19 lbs per 1000 sq. ft.
22. Temporary Stabilization Specifications
- a) Apply Gravel Limitations at a rate of 90 lbs per 1000 sq. ft.
- b) Apply Gravel Limitations at a rate of 11 lbs per 1000 sq. ft.
- c) Apply Gravel Limitations at a rate of 13 lbs per 1000 sq. ft.
- d) Apply Gravel Limitations at a rate of 15 lbs per 1000 sq. ft.
- e) Apply Gravel Limitations at a rate of 17 lbs per 1000 sq. ft.
- f) Apply Gravel Limitations at a rate of 19 lbs per 1000 sq. ft.
23. Permanent Stabilization Specifications
- a) Apply Gravel Limitations at a rate of 90 lbs per 1000 sq. ft.
- b) Apply Gravel Limitations at a rate of 11 lbs per 1000 sq. ft.
- c) Apply Gravel Limitations at a rate of 13 lbs per 1000 sq. ft.
- d) Apply Gravel Limitations at a rate of 15 lbs per 1000 sq. ft.
- e) Apply Gravel Limitations at a rate of 17 lbs per 1000 sq. ft.
- f) Apply Gravel Limitations at a rate of 19 lbs per 1000 sq. ft.

*NOTE: 72 HOURS PRIOR TO ANY EROSION DISTURBANCE, NOTICE IN WRITING SHALL BE GIVEN TO THE MORRIS COUNTY SOIL CONSERVATION DISTRICT AND A PRE-CONSTRUCTION MEETING HELD.



SOIL FENCE

DRAWN BY: SP
CHECKED BY: WCH

DATE: 08-01-18

SCALE: 1" = 50'

DATE: FEBRUARY 28, 2017

CERTIFICATE OF AUTHORIZATION NO. 1000000000

NOTES

Murphy & Hollows Associates LLC
ENGINEERING AND ARCHITECTURE
1000 W. 10TH STREET, SUITE 100
MORRIS COUNTY, NJ 07960
TEL: 908.526.1000
WWW.MURPHYHOLLOWS.COM

NEW FLOOD HAZARD AREA (FHA)
INDIVIDUAL PERMIT (IP) PLAN
LOT 4000
BLOCK 4000
NEW VERNON ROAD
TOWNSHIP OF LONG HILL
MORRIS COUNTY
NEW JERSEY

AIDAN T. MURPHY
N.J. LICENSED PROFESSIONAL ENGINEER #10119
N.J. PROFESSIONAL LANDSCAPE #10119

WILLIAM G. HOLLOWS
N.J. LICENSED PROFESSIONAL ENGINEER #10119
N.J. PROFESSIONAL LANDSCAPE #10119

FILE: 1008-018

SHEET: 2 OF 2



State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
Application Form for Permit(s)/Authorization(s)
501 E. State Street Mail Code 501-02A P.O. Box 420
Trenton, NJ 08625-0420
Phone #: (609) 777-0454 Web: www.nj.gov/dep/landuse



Please print legibly or type the following: Complete all sections and pages unless otherwise noted. Is this project Superstorm Sandy Related Yes ☐ No ☒

1. Applicant Name: Mr./Ms./Mrs Indoor Soccer LLC E-Mail _____
Address: 7 North Willow Street; Suite 8B Daytime Phone: _____ Ext. _____
City/State: Montclair, NJ Zip Code 07042 Cell Phone: _____
2. Agent Name: Mr./Ms./Mrs Sandra Kehrley, P.E.
Firm Name: PK ENVIRONMENTAL E-Mail: sandy@pkenvironmental.com
Address: P.O. Box 1066, 205 Main Street Daytime Phone: 973-635-4011 Ext. _____
City/State: Chatham Borough, NJ Zip Code 07928 Cell Phone: 201-213-3217
3. Property Owner: Mr./Ms./Mrs (same as above) E-mail: _____
Address: _____ Daytime Phone: _____ Ext. _____
City/State: _____ Zip Code _____ Cell Phone: _____
4. Project Name: Center Court Indoor Sports AirDome Replacement Address/Location 200 New Vernon Road
Municipality: Long Hill Township County: Morris Zip Code 07933
Block(s): 14602 Lot 4.01
N.A.D. 1983 State Plane Coordinates (feet) E (x): 499600 N(y): 677740 Not Longitude/Latitude
Watershed: Upper Passaic River (above Pine Brook) Subwatershed: Black Brook (Great Swamp NWR)
Nearest Waterway: Black Brook Tributary
5. Project Description: NJDEP FHA Individual Permit (IP) for the replacement of a sports AirDome, located in the FHA.

Provide if applicable: Previous LUR File # (s): 1430-06-0001.1 (FWW060001) Waiver request ID # (s): _____

A. SIGNATURE OF APPLICANT (required):

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment. If the applicant is an organization such as a corporation, municipal entity, home-owners association etc., the party responsible for the application shall sign on behalf of the organization.

Signature of Applicant

02.28.2017

Date

Kevin Costello (Indoor Soccer LLC)

Print Name

Signature of Applicant

Date

Print Name

I hereby certify that the undersigned is the **owner of the property** upon which the proposed work is to be done. This endorsement is certification that the owner/easement holder grants permission for the conduct of the proposed activity. In addition, written consent is hereby given to allow access to the site by representatives or agents of the Department for the purpose of conducting a site inspection(s) or survey(s) of the property in question.

In addition, the undersigned property owner hereby certifies:

1. Whether any work is to be done within an easement? Yes ☐ No ☒
(If answer is "Yes" – Signature/title of responsible party is required below)
2. Whether any part of the entire project will be located within property belonging to the State of New Jersey? Yes ☐ No ☒
3. Whether any work is to be done on any property owned by any public agency that would be encumbered by Green Acres? Yes ☐ No ☒
4. Whether this project requires a Section 106 (National Register of Historic Places) Determination as part of a federal approval? Yes ☐ No ☒

Signature of Owner

02.28.2017

Date

Kevin Costello (Indoor Soccer LLC)

Print Name

Signature of Owner/Easement Holder

Date

Print Name/Title

C. APPLICANT'S AGENT

I **Kevin Costello**, the Applicant/Owner authorize to act as my agent/representative in all matters pertaining to my application the following person:

Sandra Kehrley, PE

Name of Agent

Environmental Consultant/Professional Engineer

Occupation/Profession of Agent

Signature of Applicant/Owner

Signature of co-Applicant/Owner

AGENT'S CERTIFICATION:

I agree to serve as agent for the above-referenced applicant:

Sandra Kehrley

Signature of Agent

NOTARY:

Sworn to me, this day of: **MARCH 6**, 20 **17**

Notary Public

LOIS C. DUDLEY

D. STATEMENT OF PREPARER OF PLANS, SPECIFICATIONS,

SURVEYOR'S OR ENGINEER'S REPORT

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

William G. Hollows

Signature

William G. Hollows, PE, PLS, PP

Print Name

Murphy & Hollows Associates LLC

Position & Name of Firm

PE & PLS License #27473

Professional License #

Date

MARCH 6, 2017

E. STATEMENT OF PREPARER OF APPLICATION, REPORTS AND/OR SUPPORTING DOCUMENTS (other than engineering)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.

Sandra Kehrley

Signature

Sandra Kehrley, P.E.

Print Name

Environmental Consultant / PK ENVIRONMENTAL

Position & Name of Firm

Professional License #
(if Applicable)

PE License #38560

Date

3/6/17

F. APPLICATION(S) FOR: (Check all that apply – Fee calculations and directions on pages 6, 7, & 8)

	Coastal General Permits	Fee Amount	Fee Paid
<input type="checkbox"/>	CZMGP1 Amusement Pier Expansion	\$1,000.00	
<input type="checkbox"/>	CZMGP2 Beach/Dune Activities	\$1,000.00	
<input type="checkbox"/>	CZMGP3 Voluntary Reconstruction Certain Residential/Commercial Dev.	\$1,000.00	
<input type="checkbox"/>	CZMGP4 Development of one or two SFH or Duplexes	\$1,000.00	
<input type="checkbox"/>	CZMGP5 Expansion or Reconstruction SFH/Duplex	\$1,000.00	
<input type="checkbox"/>	CZMGP6 New Bulkhead/Fill Lagoon	\$1,000.00	
<input type="checkbox"/>	CZMGP7 Revetment at SFH/Duplex	\$1,000.00	
<input type="checkbox"/>	CZMGP8 Gabions at SFH/Duplex	\$1,000.00	
<input type="checkbox"/>	CZMGP9 Support Facilities at a Marina	\$1,000.00	
<input type="checkbox"/>	CZMGP10 Reconstruction of Existing Bulkhead	\$1,000.00	
<input type="checkbox"/>	CZMGP11 Hazard Waste Clean-up	\$1,000.00	
<input type="checkbox"/>	CZMGP12 Landfall of Utilities	\$1,000.00	
<input type="checkbox"/>	CZMGP13 Recreation Facility at Public Park	\$1,000.00	
<input type="checkbox"/>	CZMGP14 Bulkhead Construction & Fill Placement	\$1,000.00	
<input type="checkbox"/>	CZMGP15 Construction of Piers/Docks/Ramps in Lagoons	\$1,000.00	
<input type="checkbox"/>	CZMGP16 Minor Maintenance Dredging in Lagoons	\$1,000.00	
<input type="checkbox"/>	CZMGP17 Eroded Shoreline Stabilization	\$1,000.00	
<input type="checkbox"/>	CZMGP18 Avian Nesting Structures	\$1,000.00	
<input type="checkbox"/>	CZMGP19 Modification of Electrical Substations	\$1,000.00	
<input type="checkbox"/>	CZMGP20 Legalization of the Filling of Tidelands	\$1,000.00	
<input type="checkbox"/>	CZMGP21 Construction of Telecommunication Towers	\$1,000.00	
<input type="checkbox"/>	CZMGP22 Construction of Tourism Structures	\$1,000.00	
<input type="checkbox"/>	CZMGP23 Geotechnical Survey Borings	\$1,000.00	
<input type="checkbox"/>	CZMGP24 Habitat Creation/Restoration/Enhancement/Living Shorelines	No Fee	No Fee
<input type="checkbox"/>	CZMGP25 1 to 3 Turbines < 200 Feet	\$1,000.00	
<input type="checkbox"/>	CZMGP26 Wind Turbines < 250 Feet	\$1,000.00	
<input type="checkbox"/>	CZMGP27 Dredge Lagoon (post storm event)	\$1,000.00	
<input type="checkbox"/>	CZMGP28 Dredge post Bulkhead Failure	\$1,000.00	
<input type="checkbox"/>	CZMGP29 Dredge Marina (post storm event)	\$1,000.00	
<input type="checkbox"/>	CZMGP30 Aquaculture Activities	\$1,000.00	
<input type="checkbox"/>	CZMGP31 Placement of Shell (shellfish areas)	\$1,000.00	
<input type="checkbox"/>	CZMGP32 Application of Pesticides in Coastal Wetlands	\$1,000.00	
<input type="checkbox"/>	CZM General Permit Extension	\$240.00	
<input type="checkbox"/>	CZM Permit-by-Certification (On-line application ONLY)	\$600.00	

	Flood Hazard Area General Permits	Fee Amount	Fee Paid
<input type="checkbox"/>	FHAGP1 Channel Clean w/o Sediment Removal	No Fee	No Fee
<input type="checkbox"/>	FHAGP1 Channel Clean w/Sediment Removal	No Fee	No Fee
<input type="checkbox"/>	FHAGP2 Mosquito Control	\$1,000.00	
<input type="checkbox"/>	FHAGP3 Scour Protection Bridges/Culverts	\$1,000.00	
<input type="checkbox"/>	FHAGP4 Creation/Restoration/Enhancement of Habitat and Water Quality Values and Functions	No Fee	No Fee
<input type="checkbox"/>	FHAGP5 Reconstruction and/or Elevation of Building in a Floodway	No Fee	No Fee
<input type="checkbox"/>	FHAGP6 Construction of One SFH/Duplex and Driveway	\$1,000.00	
<input type="checkbox"/>	FHAGP7 Relocation of Manmade Roadside Ditches for Public Roadway Improvements	\$1,000.00	
<input type="checkbox"/>	FHAGP8 Placement of Storage Tanks	\$1,000.00	
<input type="checkbox"/>	FHAGP9 Construction/Reconstruction of Bridge/Culvert Across Water < 50 Acres	\$1,000.00	
<input type="checkbox"/>	FHAGP10 Construction/Reconstruction of Bridge/Culvert Across Water > 50 Acres	\$1,000.00	
<input type="checkbox"/>	FHAGP11 Stormwater Outfall Along Regulated Water <50 Acres	\$1,000.00	
<input type="checkbox"/>	FHAGP12 Construction of Footbridges	\$1,000.00	
<input type="checkbox"/>	FHAGP13 Construction of Trails and Boardwalks	\$1,000.00	
<input type="checkbox"/>	FHA General Permit Extension	\$240.00	
<input type="checkbox"/>	FHA Permit-by-Certification (Except PBC 4 & 5) (On-line application ONLY)	\$1,000.00	

	Flood Hazard Area		
<input type="checkbox"/>	FHA Verification		
<input checked="" type="checkbox"/>	FHA Individual Permit	\$3,000.00	\$3,000.00
<input type="checkbox"/>	FHA Hardship Exception (Must be submitted with a paid FHA IP)	\$4,000.00	
<input type="checkbox"/>	FHA Minor Technical Modification of a GP, IP or Verification		
<input type="checkbox"/>	FHA Major Technical Modification of a GP, IP or Verification		
<input type="checkbox"/>	FHA Extension of an IP or Verification		
<input type="checkbox"/>	FHA Individual Permit Equivalency/CERCLA	No Fee	No Fee

	Stormwater Review Fees	Fee Amount	Fee Paid
<input type="checkbox"/>	Fee for all Stormwater Reviews		

	Applicability Determination	Fee Amount	Fee Paid
<input type="checkbox"/>	Coastal Applicability Determination	No Fee	No Fee
<input type="checkbox"/>	Flood Hazard Applicability Determination	No Fee	No Fee
<input type="checkbox"/>	Highlands Jurisdictional Determination	No Fee	No Fee
<input type="checkbox"/>	Executive Order 215	No Fee	No Fee

	CAFRA and Waterfront Development Permits	Fee Amount	Fee Paid
<input type="checkbox"/>	CAFRA Individual Permit		
<input type="checkbox"/>	CAFRA Exemption Request	\$500.00	
<input type="checkbox"/>	Waterfront Development Individual Permit/Upland		
<input type="checkbox"/>	Waterfront Development Individual Permit/In-water		
<input type="checkbox"/>	Minor Technical Modification of a Coastal GP or Coastal IP		
<input type="checkbox"/>	Major Technical Modification of a Coastal GP or Coastal IP		
<input type="checkbox"/>	Zane Letter	\$500.00	
<input type="checkbox"/>	Waterfront Development Individual Permit - Extension		
<input type="checkbox"/>	Individual Permit Equivalency/CERCLA	No Fee	No Fee

	Highlands	Fee Amount	Fee Paid
<input type="checkbox"/>	Emergency Permit		
<input type="checkbox"/>	Pre-application Meeting	\$500.00	
<input type="checkbox"/>	Resource Area Determination >one acre		
<input type="checkbox"/>	HPAAGP 1/ Habitat Creation/Enhance	No Fee	No Fee
<input type="checkbox"/>	HPAAGP 2 Bank Stabilization	\$500.00	
<input type="checkbox"/>	Preservation Area Approval (PAA)		
<input type="checkbox"/>	PAA with Waiver (Specify type below)		

	Coastal Wetlands	Fee Amount	Fee Paid
<input type="checkbox"/>	Coastal/Tidal Wetlands Permit		
<input type="checkbox"/>	Coastal Wetland Permit Modification		

	Freshwater Wetlands	Fee Amount	Fee Paid
<input type="checkbox"/>	FWGP1 Main. & repair Exist Feature	\$1,000.00	
<input type="checkbox"/>	FWGP2 Utility Crossing	\$1,000.00	
<input type="checkbox"/>	FWGP3 Discharge of Return Water	\$1,000.00	
<input type="checkbox"/>	FWGP4 Hazard Site Invest/Cleanup	\$1,000.00	
<input type="checkbox"/>	FWGP5 Landfill Closure	\$1,000.00	
<input type="checkbox"/>	FWGP6 Filling of NSWC	\$1,000.00	
<input type="checkbox"/>	FWGP6A/TA- Filling of NSWC	\$1,000.00	
<input type="checkbox"/>	FWGP7 Fill ditch / swale	\$1,000.00	
<input type="checkbox"/>	FWGP8 House Addition	\$1,000.00	
<input type="checkbox"/>	FWGP9 Airport Sightline Clearing	\$1,000.00	
<input type="checkbox"/>	FWGP10A Very Minor Road Crossing	\$1,000.00	
<input type="checkbox"/>	FWGP10B Minor Road Crossing	\$1,000.00	
<input type="checkbox"/>	FWGP11 Outfalls / Intakes	\$1,000.00	
<input type="checkbox"/>	FWGP12 Survey / Investigation	\$1,000.00	
<input type="checkbox"/>	FWGP13 Lake Dredging	\$1,000.00	
<input type="checkbox"/>	FWGP14 Water Monitoring	\$1,000.00	
<input type="checkbox"/>	FWGP15 Mosquito Control	\$1,000.00	
<input type="checkbox"/>	FWGP16 Habitat Create / Enhance	No Fee	No Fee
<input type="checkbox"/>	FWGP17 Trails / Boardwalks	\$1,000.00	
<input type="checkbox"/>	FWGP17A Multiuse paths	\$1,000.00	
<input type="checkbox"/>	FWGP18 Dam Repairs	\$1,000.00	
<input type="checkbox"/>	FWGP19 Dock or Pier	\$1,000.00	
<input type="checkbox"/>	FWGP20 Bank Stabilization	\$1,000.00	
<input type="checkbox"/>	FWGP21 Above Ground Utility	\$1,000.00	
<input type="checkbox"/>	FWGP23 Expand Cranberry	No Fee	No Fee
<input type="checkbox"/>	FWGP24 Spring Developments	\$1,000.00	
<input type="checkbox"/>	FWGP25 Malfunction Septic System	No Fee	No Fee
<input type="checkbox"/>	FWGP26 Channel / Stream Clean	\$1,000.00	
<input type="checkbox"/>	FWGP27 Redevelop Disturbed Site	\$1,000.00	
<input type="checkbox"/>	FWGP Modification	\$500.00	
<input type="checkbox"/>	FWGP Extension	\$500.00	

	Freshwater Wetlands	Fee Amount	Fee Paid
<input type="checkbox"/>	Individual Wetlands Permit		
<input type="checkbox"/>	Individual Open Water Permit		
<input type="checkbox"/>	Individual Permit Mod. Major/Minor		
<input type="checkbox"/>	Individual Permit Extension		
<input type="checkbox"/>	Wetlands Exemption	\$500.00	
<input type="checkbox"/>	Permit Equivalency/CERCLA	No Fee	No Fee

	Transition Area Waiver	Fee Amount	Fee Paid
<input type="checkbox"/>	Averaging Plan		
<input type="checkbox"/>	Reduction		
<input type="checkbox"/>	Hardship Reduction		
<input type="checkbox"/>	Special Activity Stormwater		
<input type="checkbox"/>	Special Activity Linear Development		
<input type="checkbox"/>	Special Activity Redevelopment		
<input type="checkbox"/>	Special Activity Individual Permit		
<input type="checkbox"/>	Exemption	\$500.00	
<input type="checkbox"/>	Modification Major/Minor		
<input type="checkbox"/>	Extension	\$500.00	

	Letter of Interpretation	Fee Amount	Fee Paid
	Presence Absence	\$1,000.00	
<input type="checkbox"/>	Presence Absence Footprint	\$1,000.00	
<input type="checkbox"/>	Delineation < 1.00 Acres	\$1,000.00	
<input type="checkbox"/>	Verification		
<input type="checkbox"/>	Extension		

	Consistency Determination	Fee Amount	Fee Paid
<input type="checkbox"/>	Water Quality Certificate		
<input type="checkbox"/>	Federal Consistency	No Fee	No Fee
<input type="checkbox"/>	HMC Water Quality Certificate		

Please note:

If no fee amount is specified in the "Fee Amount" column, please refer to the Regulatory Fee Schedule which can be found at www.nj.gov/dep/landuse/forms.html. The following types of applications DO NOT require a fee submittal:

Coastal Permitting

- General Permit # 24 - Habitat creation, restoration, enhancement and living shoreline activities
- Individual Permit Equivalency – CERCLA
- Administrative Modifications

Applicability Determinations

- Coastal Applicability Determination
- Highlands Jurisdictional Determination
- Flood Hazard Area Applicability
- Executive Order 215

Flood Hazard Area

- General Permit #1 – Channel cleaning under the Stream Cleaning Act
- General Permit #4 – Creation, restoration, and enhancement of habitat and water quality values and functions
- General Permit #5 – Reconstruction and/or elevation of a building in a floodway
- Transfer of Approval
- Administrative Modifications
- Individual Permit Equivalency – CERCLA

Federal Consistency

- Federal Consistency Determination

Highlands

- General Permit #1 - Habitat Creation, Restoration, Enhancement

Freshwater Wetlands

- General Permit #16 - Habitat creation and enhancement activities
- General Permit #17 - Trails and Boardwalks (NO FEE when the activity is proposed on publicly owned lands)
- General Permit #23 – Expansion of cranberry growing operations in the Pinelands
- General Permit #25 – Malfunctioning individual subsurface sewage disposal (septic) systems
- Individual Permit Equivalency – CERCLA

Also:

In addition to the standard paper submission, an electronic copy of the entire application, including plans, may be submitted on CD-ROM to assist the Department in the review this application. Plans should be submitted as a CAD file or Shapefile, georeferenced in NJ state plane feet NAD83. Please do NOT send the electronic version via E-Mail.

Electronic permitting and/or application submittal is available for specific applications. Please see the Division website at www.nj.gov/dep/landuse/epemit.html for more information.

APPLICANT NAME: Willow Street Partners
(Kevin Costello)

FILE # (if known): _____

APPLICATION FORM - APPENDIX I

Section 1: Please provide the following information for the overall project site. All area measurements shall be recorded in acres to the nearest thousandth (0.001 acres).

<u>PROPOSED:</u>	<u>PRESERVED</u>	<u>UNDISTURBED</u>	<u>DISTURBED</u>
RIPARIAN ZONE	_____	_____	_____
CZMRA FORESTED (CZMRA IP – Only)	_____	_____	_____
E & T HABITAT Endangered and/or Threatened	_____	_____	_____
FRESHWATER WETLANDS	_____	_____	_____

Section 2: Please provide the following information for each permit/authorization requested pursuant to the Freshwater Wetlands Protection Act. All area measurements shall be recorded in acres to the nearest thousandth (0.001 acres). Use additional sheets if necessary

PERMIT TYPE	WETLAND TYPE Emergent, Forest, Shrub, Etc.	RESOURCE CLASSIFICATION Ordinary, Intermediate, Exceptional, EPA, Etc.
_____	_____	_____

<u>PROPOSED DISTURBANCE:</u>	<u>WETLANDS</u>	<u>TRANSITION AREA</u>	<u>SOW</u>
FILLED	_____	_____	_____
EXCAVATED	_____	_____	_____
CLEARED	_____	_____	_____
TEMPORARY DISTURBANCE	_____	_____	_____

PERMIT TYPE	WETLAND TYPE Emergent, Forest, Shrub, Etc.	RESOURCE CLASSIFICATION Ordinary, Intermediate, Exceptional, EPA, Etc.
_____	_____	_____

<u>PROPOSED DISTURBANCE:</u>	<u>WETLANDS</u>	<u>TRANSITION AREA</u>	<u>SOW</u>
FILLED	_____	_____	_____
EXCAVATED	_____	_____	_____
CLEARED	_____	_____	_____
TEMPORARY DISTURBANCE	_____	_____	_____

Appendix II - Fee Calculation Sheet (Required)

Directions:

The Fee Calculation sheet is broken down by the types of programs administered by the Division of Land Use Regulation: Coastal, Flood Hazard Area, Freshwater Wetlands, Stormwater Review.

Use the abbreviation key below in order to identify the type(s) of applications that you need to submit for your project. Once you find your application type(s) work through the **calculation column** and place the figure on the **fee amount** line. Do this for each application type and subtotal each section. In section 5 – enter the subtotals as indicated and add the fee figures to find your total fee.

- Whenever the calculation requires an acreage figure, you will need to round UP to the nearest whole number, for example: 0.25 acres gets rounded up to one (1) acre or 2.61 acres gets rounded up to three (3) acres.
- The maximum fee for a CAFRA Individual permit, an Upland Waterfront Development permit, or an In-Water Waterfront Development permit is \$30,000 per permit type. For example: if you are applying for both an upland and an in-water Waterfront Development the maximum fee is applied to each permit for a maximum total of \$60,000 plus any applicable stormwater review fee.
- No matter how many types of applications are required, the stormwater review fee is applied only one time.

Abbreviation KEY

CAFRA = CZM	General Permit = GP	Single Family Home = SFH
Coastal (Tidal) Wetlands = CSW	Individual Permit = IP	Transition Area Waiver = TAW
Extension = EXT	Letter of Interpretation = LOI	Verification = VER
Flood Hazard Area = FHA	Mean High Water Line = MHWL	Waterfront Development = WD
Freshwater Wetlands = FWW	Modification = MOD	Water Quality Certificate = WQC

Section 1 - Coastal Application Type

Calculation

Fee Amount

All General Permits (Except for Coastal GP #4)	\$1,000 x _____ # of GPs requested	_____
CZM – IP SFH or Duplex	\$2,000	_____
CZM – IP Residential other than SFH/duplex	\$3,000 x _____ # of units	_____
CZM – IP Commercial, Industrial or Public	\$3,000 x _____ acres of the site	_____
CSW – IP SFH or Duplex	\$2,000	_____
CSW – IP All Development other than SFH/duplex	\$3,000 x _____ acres of wetlands disturbed	_____
WD - IP SFH or Duplex (Landward of MHWL)	\$2,000	_____
WD – IP Residential other than SFH/duplex (Landward of MHWL)	\$3,000 x _____ # of units	_____
WD – IP Commercial, Industrial or Public Development	\$3,000 x _____ acres of the site	_____
WD - IP SFH or Duplex (Waterward of MHWL)	\$2,000	_____
WD – IP All Development other than SFH/duplex (Waterward of MHWL)	\$3,000 x _____ acres of water area impacted	_____
CZM, CSW, WD – Minor Technical Modification (GP/IP)	\$500 x _____ # of items to be revised	_____
CZM, CSW, WD – Major Technical Modification (GP/IP)	0.30 x _____ original fee = Fee (Minimum \$500)	_____
General Permit Extension	\$240 x _____ # of GPs to be extended	_____
WD – IP Permit Extension	0.25 x _____ original fee = Fee (Maximum \$3,000)	_____
CZM, CSW, WD – Exemption Request	\$500 x _____ # of exemptions requested	_____

Subtotal for Coastal Applications _____

Section 2 - Freshwater Wetlands Application Type

Calculation

Fee Amount

All General Permits (Except those listed in notes on Page 4)	\$1,000 x _____ # of GPs requested	_____
FWW – LOI Presence/Absence, Footprint, Delineation < 1 acre	\$1,000	_____
FWW – LOI Line Verification	\$1,000 + (\$100 x _____ acres of the site)	_____
FWW – TAW with valid LOI	\$1,000 + (\$100 x _____ # acres FWW disturbed)	_____
FWW – TAW without valid LOI	\$1000 + (\$100 x _____ acres TAW disturbed)+ LOI Fee	_____
FWW – IP or Open Water Fill SFH or Duplex	\$2,000	_____
FWW – IP or Open Water Fill other than SFH or Duplex	\$5,000 + (\$2,500 x _____ # acres FWW disturbed)	_____
FWW – GP, TAW, IP, Open Water Fill Minor Modification	\$500 x _____ # of items to be revised	_____
FWW – GP, TAW, IP, Open Water Fill Major Modification	0.30 x _____ original fee (Minimum \$500)	_____
FWW – EXT LOI Presence/Absence, Footprint, Delineation < 1 acre	\$500	_____
FWW – EXT LOI Line Verification	0.50 x _____ original fee (Minimum \$500)	_____
FWW – EXT GP or TAW	\$500 x _____ # of items to be extended	_____
FWW – EXT IP or Open Water Fill	0.50 x _____ original fee (Minimum \$500)	_____

Subtotal for Freshwater Wetlands Applications _____

Appendix II - Fee Calculation Sheet - Continued

<u>Section 3 - Flood Hazard Area Application Type</u>	<u>Calculation</u>	<u>Fee Amount</u>
All General Permits (Except for FHAGP 1, 4, 5)	\$1,000 x _____ # of GPs requested	
FHA – VER Methods 1, 2, 3, 5 (Fee not applicable to one (1) SFH)	\$1,000	\$
FHA – VER Method 4 or 6	\$4,000 + (\$400 x _____ per 100 linear feet)	
FHA – Delineation of Riparian Zone Only	\$1,000	
FHA – IP SFH and/or Accessory Structures	\$2,000	
FHA – IP * Fee not applicable to one (1) SFH	\$3,000 base	\$3,000.00
*Bank/Channel (stabilization, reestablishment, etc.) No Calculation Review --	+ \$1,000	
*Bank/Channel (stabilization, reestablishment, etc.) With Calculation Review--	+ (\$4,000 + (\$400 x _____ per 100 linear ft.))	
*Bridge, Culvert, Footbridge, Low Dam, etc. No Calculation Review--	+ \$1,000 x _____ # of structures	
*Bridge, Culvert, Footbridge, Low Dam, etc. With Calculation Review--	+ \$4,000 x _____ # of structures	
*Review of Flood Storage Displacement (net fill) Calculations-----	+ \$4,000	
Review of Hardship Exception Request-----	+ \$4,000	
*Utility Line-----	+ \$1,000 x _____ # of water crossings	
FHA – VER, IP, GP Minor Technical Modification	\$500 x _____ # of proejct elements to be revised	
FHA – VER, IP, GP Major Technical Modification	0.30 x _____ original fee (Minimum \$500)	
FHA – Extension of Verification - Method 1, 2, 3, 5, Riparian Zone	\$240.00	
FHA - Extension of Verification - Method 4 or 6	0.25 x _____ original fee	
FHA – Extension of a General Permit	\$240.00 x _____ # of GPs to be extended	
FHA – Extension of an Individual Permit	0.25 x _____ original fee	
FHA – Department Delineation Minor Revision	\$500	
FHA – Department Delineation Major Revision	\$4,000 + (\$400 x _____ per 100 linear feet)	
Subtotal for Flood Hazard Area Applications		\$3,000.00

<u>Section 4 – Individual Water Quality Certificate</u>	<u>Calculation</u>	<u>Fee Amount</u>
WQC (NOTE: No fee required under the coastal program)	\$5,000 + (\$2,500 x _____ # acres regulated area disturbed)	

<u>Section 5 - Additional Stormwater Review Fee</u>	<u>Calculation</u>	<u>Fee Amount</u>
Stormwater Review	\$3,000 base	
Review of Groundwater Recharge Calculations-----	+ \$250 x _____ # acres disturbed	
Review of Runoff Quantity Calculations-----	+ \$250 x _____ # acres disturbed	
Review of Water Quality Calculations-----	+ \$250 x _____ # acres impervious surface	
Subtotal of Stormwater Review Fee		

<u>Section 6 – Total of Application Fees</u>	
Subtotal of Section 1 - Coastal Applications	
Subtotal of Section 2 - Freshwater Wetlands Applications	
Subtotal of Section 3 - Flood Hazard Area Applications	\$3,000.00
Subtotal of Section 4 – Individual Water Quality Certificate	
Subtotal of Section 5 - Additional Stormwater Review	
<hr/>	
Total Application Fee	\$3,000.00

Total Fee: \$3,000.00

Check #: 2109

PK ENVIRONMENTAL
Planning and Engineering
PO Box 1066 • 205 Main Street
Chatham, New Jersey 07928

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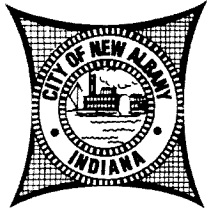
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New Albany Redevelopment Commission

DEPARTMENT OF REDEVELOPMENT
ROOM 325, CITY-COUNTY BUILDING
311 HAUSS SQUARE
NEW ALBANY, INDIANA 47150-3586

Phone: 1.812.948.5333

Fax: 1.812.948.6803

MEMO

To: All Interested Parties
From: David C. Duggins, Jr.
Subject: Notice of Intent to Request Release of Funds (RROF) for the Fiscal Year 2016
Community Development Block Grant
Date: March 15, 2017

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

City of New Albany, Indiana
Room 325, City-County Building
311 Hauss Square
New Albany, Indiana 47150
812/948-5333

On or about March 24, 2017, the City of New Albany will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant funds under Title 1 of the Housing and Community Development Act of 1974, as amended, to undertake the following activities:

1. Minor Housing Rehabilitation: \$55,000. Minor (emergency) rehab/repair for low-and moderate-income homeowners in the City's CDBG Target Areas including replacing/repairing roofs; furnace repair/installation, electrical, plumbing, windows, etc., and other repairs that are meant to sustain the property including project delivery. Per 58.35 (a)(3)(i)

2. Dilapidated Housing/Structure Clearance: \$10,000. Removal of dilapidated houses including structures (garages/sheds) which have deteriorated to a condition beyond feasible rehabilitation and that pose a public health and safety threat to the community. Per 58.35 (a)(4)(i)

3. Park Facility Improvements: \$162,000. Improvements are planned for restroom facilities including water and sewer as needed at Bicknell Park. Per 58.35 (a)(3)(iii)

4. Sidewalk Spot Improvements: \$214,500. Improvements are planned where deteriorated sidewalks and/or spot incidental deterioration restrict connections that can benefit pedestrians, walk-ability, and livability. Sidewalk improvements are planned for E. 18th Street and include Americans Disabilities Act (ADA) compliant ramps. Per 58.35 (a)(1).

Activities listed above in which the property has not been determined as of yet, are subject to an implemented review process for determination of Historic or Flood affect once each site is determined.



The activities proposed are Categorically Excluded under HUD Regulations at 24 CFR PART 58 from National Environmental Policy Act requirements. An Environmental Review Record (ERR) that documents the environmental determinations for these projects is on file at the above address and may be examined or copied weekdays 8:00 A.M. to 4:00 P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the Environmental Review Record to the New Albany Department of Redevelopment, Room 325, City-County Building, 311 Hauss Square, New Albany, IN 47150. All comments received on or before March 23, 2017, will be considered by the City of New Albany prior to submission of a request for release of funds.

RELEASE OF FUNDS

The City of New Albany certifies to the U.S. Department of Housing and Urban Development (HUD) that Jeff M. Gahan in his capacity as Mayor consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD acceptance of the certification satisfies its responsibilities under NEPA and allows the City of New Albany to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the City of New Albany's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if it is on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of New Albany; (b) the City of New Albany has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to the U.S. Department of Housing and Urban Development, Indianapolis Area Office, at 575 North Pennsylvania Street, Indianapolis, Indiana 46204-2526. Potential objectors should contact HUD to verify the actual last day of the objection period.

Jeff M. Gahan, Mayor
City of New Albany

Publish: March 17, 2017



CITY OF NEW ALBANY, INDIANA
NEW ALBANY REDEVELOPMENT COMMISSION
City-County Building
311 Hauss Square • Room 325
New Albany, Indiana 47150

LOUISVILLE
KY 400
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Ms. Gina McCarthy, Director
U. S. EPA - ~~Office of Federal Aids~~
Ariel Rios Bldg. - ~~Mail Code 2251A~~
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460



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March 27, 2017

Carl and Roberta Pfanstiel

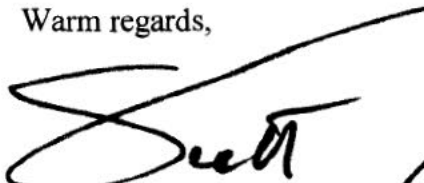
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Carl and Roberta,

A much belated thanks for the note you left for me in February. It has been a hectic time, but a blessed time for me. The family is holding up well during my transition to D.C., and I'm sure it is due to the prayers of friends like you both.

I greatly appreciate your thoughtfulness and encouragement.

Warm regards,



E. Scott Pruitt

Thank you for your
intercession
support! See
you 'someday!

Tue Mar 28 14:44:27 EDT 2017
Hope.Brian@epamail.epa.gov
FW: Utility Air Regulatory Group Request for Publication of MATS Interim Reporting Rule Before April 16, 21017
To: CMS.OEX@epamail.epa.gov

DRF

From: Freeman, Lauren [mailto:lfreeman@hunton.com]
Sent: Monday, March 27, 2017 6:15 PM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Cc: Dravis, Samantha <dravis.samantha@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Tsirigotis, Peter <Tsirigotis.Peter@epa.gov>
Subject: Utility Air Regulatory Group Request for Publication of MATS Interim Reporting Rule Before April 16, 21017

Dear Administrator Pruitt –

On behalf of the Utility Air Regulatory Group, I attach a letter urging to you direct the publication of a previously signed final rule extending the interim electronic reporting provisions for electric generating units (EGUs) under the Mercury and Air Toxics Standards (MATS) rule. As explained in the letter, publication prior to April 16, 2017 (when the current interim period will expire) is necessary to avoid imposition of significant, unintended regulatory burdens on both EPA and EGUs.

Please feel free to contact me with any questions.

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2200 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20037-1701

TEL 202 • 955 • 1500
FAX 202 • 778 • 2201

LAUREN E. FREEMAN
DIRECT DIAL: 202 • 778 • 2248
EMAIL: lfreeman@hunton.com

March 27, 2017

FILE NO: 31531.200001

Via E-Mail and U.S. Mail

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

**Need for Action Prior to April 16, 2017 on the Final Rule Entitled
“Mercury and Air Toxics Standards (MATS) Electronic Reporting Requirements,”
EPA-HQ-OAR-2009-0234 [FRL-9958-30-OAR] (RIN: 2060-AS75)
Extending the Interim Electronic Reporting Provisions**

Dear Administrator Pruitt:

I write on behalf of the Utility Air Regulatory Group (UARG)¹ to ask that you either submit for publication by the Office of Federal Register prior to April 16, 2017 the above-referenced final rule to preserve existing interim electronic reporting requirements for electric generating units (EGUs) under the MATS rule, or take other action to achieve the same result. That final rule, which was signed by Administrator McCarthy on January 9, 2017, responds to requests by UARG and others to keep in place interim rule provisions that allow EGUs to submit all of their electronic reports to one familiar system called ECMPS, while EPA completes an ongoing rulemaking to further revise and streamline the MATS reporting requirements. EGUs requested that EPA undertake that ongoing rulemaking to merge all of their MATS-related electronic reporting requirements into a single system. The recent final rule is necessary to extend the effectiveness of provisions that currently authorize use of that single system only through April 16, 2017.²

¹ UARG is a not-for-profit association of individual electric generating companies and national trade associations. UARG participates on behalf of certain of its members collectively in Clean Air Act administrative proceedings that affect electric generators and in litigation arising from those proceedings.

² The rule also corrects an error created in a prior rule revision that is causing confusion.

The Honorable Scott Pruitt

March 27, 2017

Page 2

Over the past two months, UARG and others have expressed to EPA staff significant concerns about the delay in publication of the rule.³ If a rule extending the interim provisions is not published and effective prior to April 16, both EPA and EGUs will need to expend significant resources to implement new reporting requirements. EGUs would need to register with EPA to obtain access to, and learn how to use, a new system in order to submit certain reports. EPA would need to expend resources to modify that separate system so that it is capable of receiving the required MATS reports from EGUs and provide support to the new EGU users. Some of that work would need to be completed by April 16. In short, allowing the interim provisions to expire would not only be confusing and disruptive, it also would impose significant new, unreasonable, unnecessary, and unintended regulatory burdens.

For the above reasons, UARG urges you to submit for expedited publication the previously signed final rule, or take other immediate action, to ensure that the MATS interim reporting requirements do not expire on April 16. Please feel free to contact me with any questions.

Sincerely,



Lauren E. Freeman

cc: Samantha Dravis, Associate Administrator, Office of Policy
Sarah Dunham, Acting Assistant Administrator, Office of Air and Radiation
Peter Tsirigotis, Director, Sector Policies and Program Division

³ See, e.g., Memorandum from P. Tsirigotis, Director, Sector Policies and Programs Division, to S. Rees, Office Director, Office of Regulatory Policy and Management, regarding MATS Electronic Reporting Requirements Rule Communication with Regulated Community (Mar. 20, 2017), EPA-HQ-OAR-2009-0234-20617.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

APR 26 2017

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

Ms. Lauren E. Freeman
Hunton & Williams
2200 Pennsylvania Avenue N.W.
Washington, DC 20037

Dear Ms. Freeman:

Thank you for your letter of March 22, 2017, to U.S. Environmental Protection Agency Administrator Scott Pruitt, requesting the expedited publication of the Mercury Air Toxics Standards (MATS) rulemaking's interim electronic reporting requirements. The Administrator asked that I respond on his behalf.

As you know, this rulemaking not only extends an interim reporting deadline but also corrects two inadvertent errors, regarding mercury measurement quality assurance procedures. Achieving regulatory certainty through cooperative efforts with stakeholders such as the electric utilities represented by your group remains important for protecting our nation's clean air.

As such, the Administrator signed the rulemaking on March 29, 2017, and it was published in the Federal Register on April 6, 2017.

Again, thank you for your letter. I appreciate the opportunity to be of service and trust the information provided has been helpful.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen D. Page".

Stephen D. Page
Director
Office of Air Quality Planning
and Standards

cc: Sarah Dunham, Acting Assistant Administrator, Office of Air and Radiation
Peter Tsirigotis, Director, Sector Policies and Programs Division
Bob Schell, Leader, Measurement Policy Group
Barrett Parker, Measurement Policy Group

Tue Mar 28 14:45:36 EDT 2017
Hope.Brian@epamail.epa.gov
FW: Town of Bridgewater MA- Support for S. 629, Water Infrastructure Flexibility Act of 2017
To: CMS.OEX@epamail.epa.gov

DRF

From: Bicky I. Corman [mailto:BCorman@rubinrudman.com]
Sent: Tuesday, March 28, 2017 2:02 PM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: Town of Bridgewater MA- Support for S. 629, Water Infrastructure Flexibility Act of 2017

Dear Administrator Pruitt,

Attached please find a letter submitted by the Town of Bridgewater, Massachusetts to sponsors and co-sponsors of S. 629, the “Water Infrastructure Flexibility Act of 2017,” conveying the Town’s strong support for the legislation. The Town believes the legislation may be useful to EPA and the Town as the parties conclude their negotiations concerning the terms of the Town’s recently issued NPDES permit governing discharges from its Wastewater Treatment Plant.

Please do not hesitate to contact us if we can answer any questions.

Bicky Corman

Rubin and Rudman LLP

800 Connecticut Ave., NW, Suite 400

Washington, DC 20006

Main Number in DC: 202-794-6300

Cell: 202-213-1672

bcorman@rubinrudman.com



50 Rowes Wharf Boston, MA 02110 p:617-330-7000
800 Connecticut Ave. NW Washington, DC 20006 p:202-794-6300
99 Willow Street Yarmouthport, MA 02675 p:508-362-6262

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Town Manager's Office

**Municipal Office
Building**

66 Central Square
Bridgewater, MA 02324
508-697-0919

March 28, 2017

Honorable Deb Fischer
United States Senate
454 Russell Senate Office Building
Washington DC 20510

Dear Honorable Fischer:

The Town of Bridgewater, Massachusetts (the "Town") strongly supports S. 692, the "Water Infrastructure Flexibility Act of 2017." The Town wishes to offer to make itself available to provide testimony, or to provide any other information that may aid your offices in explaining how S. 692 would provide much-needed relief to a Town such as Bridgewater, as it endeavors to comply with the recent Clean Water Act permit issued by the U.S. Environmental Protection Agency's Region 1 Office for discharges from the Town's Wastewater Treatment Plant.

The Town is just over 27 square miles, approximately 30% of which is developed.¹ The Town's Wastewater Treatment Plant contributes only 4% of the wastewater that flows into the Taunton River Estuary/Mt. Hope Bay, the water body of concern to EPA.² The less than 1/3rd of the Town that is sewered,³ or roughly 2,264 households,⁴ includes Bridgewater State University, a Mobile Home Elderly Community District with two residential complexes for the elderly, and the Bridgewater Housing Authority. The Town's Wastewater Treatment Plant customers have a median household income of \$44,728,⁵ while the non-sewered households have a median household income of \$84,000.⁶ The Town has calculated that the \$31 million of upgrades required for the Plant to achieve compliance with the new permit limits for total nitrogen and phosphorus⁷ will result in customers' sewer bills rising from an already high rate of less than

¹ Draft Comprehensive Water Management Plan ("CWMP"), p. 2 – 1.

² See e.g., City of Taunton NPDES Permit No. MA 0100897, Response to Comments, p. 125,

³ *Id.*, p. 1-6.

⁴ *Id.*, p. 2-5.

⁵ United States Census Bureau, Quick Facts, Bridgewater town, Plymouth County, Massachusetts, available at <https://www.census.gov/quickfacts/table/PST045216/2502308085,00>.

⁶ *Id.*, Bridgewater CDP, Massachusetts, available at <https://www.census.gov/quickfacts/table/PST045216/2502308085,00>.

⁷ See the Town's Petition for Review, NPDES Appeal ("Petition"), p. 4.

\$600/year, to \$1,433/year,⁸ or the fifth largest sewer bill in Massachusetts.⁹ Thus, the Town has repeatedly requested an opportunity to conduct an affordability analysis and an extended compliance schedule “to allow the Town to prepare for the large expenditure that will result from the conditions in the new NPDES Permit.”¹⁰

While S. 692 focuses largely on approvals of municipal Integrated Plan Permits,¹¹ several of the bill’s provisions would facilitate the Town’s ability to ensure its Wastewater Treatment Plant discharges achieve compliance, in particular the provision allowing for inclusion of extended compliance schedules in Clean Water Act permits,¹² as well as the provisions that would impose discipline on EPA’s conduct of “Affordability Analyses,” and would bar EPA’s “use [of] median household income as the sole indicator of affordability for a residential household.”¹³

The Town is hopeful that the pendency of S. 692 (and similar legislation introduced by the House -- H.R. 465) will assist the Town’s and EPA’s present discussions, which include discussions regarding the Town’s claim of an inability to afford compliance with the new permit requirements.¹⁴ EPA’s Environmental Appeals Board has ordered the parties to report on the status of their negotiations **by April 3, 2017**, and has noted that “[if] it appears that the parties will not be able to agree to a settlement by April 3, 2017, the Region suggests that it does not anticipate requesting a further stay of proceedings and may file a motion asking the Board to proceed with consideration of the Region’s pending motion to dismiss the petition.”¹⁵

⁸ Town Reply to EPA Response to Town’s Motion to Stay filed December 8, 2016 in *In re: Bridgewater Wastewater Treatment Plant*, NPDES Permit No., MA 0100641, NPDES Appeal No. 16-01 (“NPDES Appeal”).

⁹ See Tighe & Bond, 2014 Massachusetts Sewer Rate Survey.

¹⁰ See the Town’s Petition, p. 1.

¹¹ S. 692 provides that “[a] permit issued under [the Act] that incorporates an integrated plan may integrate all requirements under this Act addressed in the integrated plan, including requirements relating to – (i) a combined sewer overflow; (ii) a capacity, management, operation, and maintenance program for sanitary sewer collection systems; (iii) a municipal stormwater discharge; (iv) a municipal wastewater discharge; and (v) a water quality-based effluent limitation to implement an applicable wasteload allocation in a total maximum daily load.” S. 692, p. 3, line 17 – p. 4, line 11.

¹² *Id.*, p. 4, lines 12 – 20, states as follows: “COMPLIANCE SCHEDULES . . . IN GENERAL. __A permit for a municipal discharge by a municipality that incorporates an integrated plan may include a schedule of compliance, under which actions taken to meet any applicable water quality-based effluent limitation may be implemented over more than 1 permit term if the compliance schedules are authorized by State water quality standards.”

¹³ *Id.*, p. 12, line 23 – p. 16, line 9; p. 13, lines 21 – 24.

¹⁴ Town’s Petition, pp. 2-9.

¹⁵ EPA issued the new NPDES Permit to the Town in November, 2016. In that same month, the Town filed a Petition for Review of the Permit with EPA’s Environmental Appeals Board, and EPA filed a Motion to Dismiss the Town’s Petition, which Motion has been fully briefed. In December, the Town sought and obtained a stay of the proceedings “for a finite period of time to provide the parties the opportunity to pursue settlement discussions, should they so choose.” Dec. 16, 2016 Order on Motion for Stay, *In re: Bridgewater Wastewater Treatment Plant*, NPDES Permit No., MA 0100641, NPDES Appeal No. 16-01 (“NPDES Appeal”).

March 28, 2017
Page 3

Please do not hesitate to contact us through our counsel on this matter, Bernice Corman of Rubin and Rudman, LLP, if we can be of any further assistance. Ms. Corman can be reached at 202-794-6300 or BCorman@rubinrudman.com.

Sincerely

Michael Dutton
Town Manager

cc: Scott Pruitt, EPA Administrator
Byron Brown, EPA Deputy Chief of Staff
Deborah Szaro, Acting Regional Administrator, Region 1
Tom Cochran, U.S. Conference of Mayors
Matthew D. Chase, National Association of Cities
Clarence E. Anthony, National League of Cities

March 27, 2017

Dr. Jack Werner

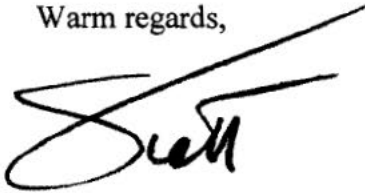
(b) (6)

Dr. Werner,

A much belated thanks for sending me copies of the newspapers announcing my nomination to serve as Administrator of the EPA. It has been a hectic time but a blessed time for me.

I greatly appreciate your thoughtfulness and encouragement.

Warm regards,



E. Scott Pruitt

Thank you very
kindly for your
correspondence.
enclosed!



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

March 21, 2017

Ms. Julia Anastasio
Executive Director and General Counsel
Association of Clean Water Administration
1634 Eye Street, NW
Suite 750
Washington DC 20006

Dear Julia,

It was a pleasure participating at the ACWA Annual meeting. I appreciate the opportunity to get our message out about changes at the EPA.

Please don't hesitate to contact me in the future.

All the best,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a long, sweeping horizontal line extending from the end of the signature.

E. Scott Pruitt



The Administrator

Washington, D. C. 20460
March 27, 2017

George Vieth, Jr.
President and CEO
Landmark Health Plan of California
1610 Arden Way, Suite 280
Sacramento, CA 95815

George,

A much belated thanks for the note you sent to me in December following my nomination to serve as Administrator of the EPA. It has been a hectic time, but a blessed time for me.

I greatly appreciate your thoughtfulness and encouragement.

Warm regards,

A handwritten signature in black ink, appearing to read "Scott", with a stylized flourish.

E. Scott Pruitt

*Thank you for your
very kind
correspondence!*

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)



The Administrator
Washington, D. C. 20460
March 23, 2017

Jack Gerard
President and CEO
American Petroleum Institute
1220 L Street NW
Washington DC 20005

Dear Jack,

Thank you for your hospitality last night at the API Board of Directors meeting. I especially appreciate your hospitality and engagement. Our discussion was very helpful to me, and thank you for the opportunity to relay to the board what's happening at the EPA.

I hope our paths cross again soon.

All the best,

E. Scott Pruitt

*Very much enjoyed
our time
together!*

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The Administrator
Washington, D. C. 20460

March 23, 2017

Greg Love
Co-CEO
Love's Corporate Offices
10601 N. Pennsylvania Ave.
Oklahoma City, OK 73120

Dear Greg,

Thank you for making the trip to DC to meet with me. I very much enjoyed seeing you, Tyson, Michael, and Mike. I know the dialogue was helpful to all of us.

Please don't hesitate to contact me if there are additional issues of concern.

All the best,

A handwritten signature in black ink, appearing to read "Scott", written over a horizontal line.

E. Scott Pruitt

A handwritten note in black ink that reads "Thanks Greg..." followed by "See you soon!" written in a cursive, slanted style.

Internet Address (URL) • <http://www.epa.gov>

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The Administrator
Washington, D. C. 20460
March 23, 2017

Khary Cauthen
Sr. Director of Federal Relations
American Petroleum Institute
1220 L Street NW
Washington DC 20005

Dear Khary,

Thank you for orchestrating the API event. I very much enjoyed meeting with you and the board of directors. It was a blessing to me to have the opportunity to speak to the group.

I hope to see you again in the future.

All the best,

A handwritten signature in black ink, appearing to read "Scott", with a large, sweeping flourish above it.

E. Scott Pruitt

A handwritten note in black ink that says "Thank you for the invite!" with a large, sweeping flourish above it.

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)



The Administrator
Washington, D. C. 20460

March 23, 2017

Scott Yager
Environmental Counsel
National Cattlemen's Beef Association
1275 Pennsylvania Ave, NW Suite 801
Washington DC, 20004

Dear Scott,

Thank you for putting together the meeting with the coalition. I very much enjoyed meeting with you and the other stakeholders. It was a blessing to me to have the opportunity to speak to the group. I know the dialogue was helpful to all of us.

Please don't hesitate to contact me if there are additional issues of concern. I look forward to seeing you again in the future.

All the best,

A handwritten signature in black ink, appearing to read "Scott", written over a horizontal line.

E. Scott Pruitt

Very much enjoyed our discussion!

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)



The Administrator
Washington, D. C. 20460

March 27, 2017

Mark Brace, Chairman
Jamie Southerland, Executive Vice President
Lawton-Fort Sill Chamber of Commerce
302 W. Gore Boulevard
Lawton, OK 73501

Dear Mark and Jamie,

I am told I missed a great event up at the Russell Senate Building last week. We hated to cancel but are hopeful to have the opportunity to attend next year. It was kind of the Chamber to include us and are prayerful that it was a good time.

I look forward to our paths crossing in the future.

All the best,

A handwritten signature in black ink, appearing to read "Scott", with a stylized flourish extending from the end.

E. Scott Pruitt

*Sorry to have
missed you
guys!*

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)



The Administrator
Washington, D. C. 20460

March 27, 2017

Jerry Colangelo

(b) (6)

Dear Jerry,

A belated but grateful thanks to you for making the trip to Scottsdale so rewarding. I enjoyed our interaction very much. I look forward to working alongside you as we partner together to grow our economy while also protecting our environment.

I hope our paths cross again in the future.

All the best,

A handwritten signature in black ink, appearing to read "Scott", with a long, sweeping horizontal line extending from the end of the signature.

E. Scott Pruitt

*Very much enjoyed
dinner & our
time together!
Until next
time...*

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)



The Administrator
Washington, D. C. 20460

March 27, 2017

Alfredo Castro

(b) (6)

Dear Alfredo,

A belated but grateful thanks for setting up the tour of the park. Ryan and I enjoyed it very much and found it interesting. Your expertise was apparent!

I hope our paths cross again in the future.

All the best,

A handwritten signature in black ink, appearing to read "Scott", is written over a large, stylized "P" that forms the first letter of the name "Pruitt".

E. Scott Pruitt

*What a wonderful
day at the
ballpark! You
blessed us!*

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)

Date: Tue Mar 28 16:28:01 EDT 2017
From: Hope.Brian@epamail.epa.gov
To: CMS.OEX@epamail.epa.gov
Subject: FW: Fly Ash

-----Original Message-----

From: Toni Vitullo [mailto:(b) (6)]
Sent: Tuesday, March 28, 2017 2:10 PM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: Fly Ash

Hello,

Someone told me that President Trump will allow coal power plants to dump fly ash in our rivers.

I wanted to know the truth about that.

Also, fly ash can and is used to make concrete, and should be used to fill the abandoned coal mines throughout our land.

Please respond.

Thank you for your assistance concerning this item.

Sincerely,

Antoinette Vitullo
(b) (6)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2017

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

Antoinette Vitullo

(b) (5)

Dear Ms. Vitullo:

Thank you for your letter of March 28, 2017, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, asking whether fly ash resulting from the burning of coal can be disposed in rivers. You also expressed support for the use of fly ash in concrete, as well as its use to fill abandoned coal mines. I appreciate your interest in these important issues.

Power plants generating electricity from burning coal are not allowed to dispose fly ash and other residuals from the combustion of coal in rivers. The principal law protecting the nation's surface waters from pollution is the Clean Water Act (CWA). The CWA prohibits the "discharge of any pollutant" by "any person" except as authorized by the Act. 33 U.S.C. § 1311(a). Persons wishing to discharge into waters covered by the CWA must comply with certain requirements and conditions established under other provisions of the Act, including technology based effluent limitations and performance standards and any more stringent limitation necessary to meet water quality standards.

On April 17, 2015, the EPA published the Disposal of Coal Combustion Residuals from Electric Utilities (Disposal of Coal Combustion Residuals Rule) final rule that established a comprehensive set of requirements for the disposal of coal combustion residuals in surface impoundments and landfills. These regulations address the risks from the disposal of coal combustion residuals, including leaking of contaminants into groundwater, blowing of contaminants into the air as dust, and the release of coal combustion residuals resulting from the catastrophic failure of surface impoundments. The rule does this by establishing requirements for where landfills and surface impoundments holding coal combustion residuals may be located, how they must be designed, operated and monitored, when they must be inspected, and how they must be closed and cared for after closure. Additionally, the rule sets out recordkeeping and reporting requirements and requires each facility to establish and post specific information to a publicly-accessible website. Additional information on this rule can be found on our website at www.epa.gov/coalash.

In your letter, you also expressed support of the use of fly ash in concrete. The Agency agrees and continues to support the beneficial use of fly ash in concrete as well as other responsible beneficial uses of coal combustion residuals. Beneficial use is the recycling or reuse of coal combustion residuals in lieu of disposal. In 2014, the Agency evaluated the use of fly ash as a replacement for portland cement in concrete and concluded it represents a beneficial use. The Disposal of Coal Combustion Residuals Rule supports the responsible recycling of coal combustion residuals, including fly ash, by distinguishing beneficial use from disposal. Additional information on the beneficial use of coal combustion residuals can be found on our website at <https://www.epa.gov/coalash/coal-ash-reuse>.

In your letter you also mentioned that fly ash should be used to fill abandoned coal mines. The Disposal of Coal Combustion Residual Rule does not apply to coal combustion residuals, including fly ash, placed in active or abandoned underground or surface coal mines. However, it acknowledged that the U.S. Department of Interior (DOI) and EPA would address the management of coal combustion residuals in separate regulatory actions which could include federal regulations to ensure that the placement of coal combustion residuals in minefill operations is adequately controlled.

Again, thank you for providing your views on these important issues and allowing me to share some of the work the EPA has done on coal combustion residuals. If you have further questions, please contact Mary Jackson of my staff at (703) 308-8453.

Sincerely,



Barnes Johnson, Director
Office of Resource Conservation and Recovery

cc: OAR IO
OW IO

Tue Mar 28 16:30:29 EDT 2017
Hope.Brian@epamail.epa.gov
FW: epa harrassment and overreach against idaho gold miner
To: CMS.OEX@epamail.epa.gov

From: dave erlanson sr. [mailto:(b) (6)]
Sent: Tuesday, March 28, 2017 1:36 PM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Cc: Ron Miller <(b) (6)> (b) (6) Clark Pearson <(b) (6)> Mark Pollot
<conresctr@cableone.net>; janalee_Nelson@crapo.senate.gov; Scott Harn <scott@icmj.com>
Subject: epa harrassment and overreach against idaho gold miner

Sir, my name is Dave Erlanson sr. of Swan Valley, Idaho and a professional gold miner. In 2015 i was cited and currently in litigation against the EPA.To date the cost has exceeded 15000.00 to defend my position against your agency! You may read about this in the ICMJ PROSPECTING AND MINING JOURNAL VOL85,NUMBER7 MARCH2016 ISSUE PG19.THIS EXPLAINS THE ILLEGAL ACTIONS TAKEN AGAINST ME BY YOUR AGENCY!!!!In the article it states what happened to me and of course court cases already rendered supporting my position on this matter. I would appreciate your help with this matter,regards,DAVE ERLANSON SR.

From: [R10-ORA](#)
To: (b) (6)
Subject: Response to Email regarding EPA Overreach
Date: Friday, April 14, 2017 1:49:07 PM
Attachments: [Docket No. CWA-10-2016-0109.pdf](#)

Dear Mr. Erlanson:

This is in response to your March 28, 2017 email to the Administrator regarding the U.S. Environmental Protection Agency's enforcement action against you. The Administrator has asked that I respond on his behalf. This matter is currently pending on EPA's administrative litigation docket, and an Administrative Law Judge has been assigned to preside over the matter (Docket NO. CWA-10-2016-0109).

On Friday, April 7, 2017, the EPA filed its Prehearing Exchange with the Judge, which includes the EPA's brief statement of facts and law supporting its position (attached). According to the Judge's February 24, 2017, Second Prehearing Order, you will have an opportunity to file your Prehearing Exchange by April 28, 2017, including a statement of the facts and law from your perspective. I understand that you are represented in this matter, and your attorney should be aware of this pending deadline.

Because this matter is currently in litigation pending before an Administrative Law Judge and because you are currently represented by counsel, future communications regarding this matter should be transmitted through your counsel to counsel for the EPA, Endre Szalay (cc-d).

Sincerely,

Michelle L. Pirzadeh
Acting Regional Administrator
U.S. Environmental Protection Agency, Region 10

Tue Mar 28 16:32:39 EDT 2017
Hope.Brian@epamail.epa.gov
FW: Keep your promise to test for C-8
To: CMS.OEX@epamail.epa.gov

From: Jeffrey Dugas [mailto:jeffrey.dugas@corporateactionnetwork.org]
Sent: Tuesday, March 28, 2017 2:55 PM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: Keep your promise to test for C-8

Scott Pruitt,

I am writing to urge you to keep your promise and test for C-8/PFOA water contamination. It is your duty to protect all of us from cancer-causing water.

Recent reports suggest C-8 contamination from the DuPont Washington Works plant in Parkersburg, WV may have spread to many more communities -- communities without C-8 filters. ("Testing drinking water for toxic chemical C8 urged farther down Ohio River", Columbus Dispatch, January 22, 2017). This dangerous chemical has been linked to kidney cancer, testicular cancer, ulcerative colitis, thyroid disease, pregnancy-induced hypertension, and high cholesterol.

But C-8 contaminated water isn't limited to Ohio, West Virginia, and Kentucky - it's everywhere: New York, New Hampshire, Vermont, and beyond.

In your confirmation hearing, Senator Kirsten Gillibrand asked you about the health and economic effects of C-8 water contamination. We demand that you keep your promise: Sen. Gillibrand: "The contaminants are real, they are pervasive, and they are destroying lives.... I need you to put number one on your list, to test it if it is the carcinogen that many scientists have said it is, it needs to be banned.... Will you commit to doing that work?"

Scott Pruitt "Yes."

We demand that you keep your promise to test the water in all communities likely affected by C-8. Keep us, our families, and our communities safe.

Jeffrey Dugas
jeffrey.dugas@corporateactionnetwork.org

(b) (6)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 3 2017

OFFICE OF WATER

Mr. Jeffrey Dugas
Corporate Action Network

(b) (6)

Dear Mr. Dugas,

Thank you for your email regarding the need for monitoring for perfluoroalkyl substances in drinking water. The U.S. Environmental Protection Agency is committed to supporting drinking water system operators, and state, tribal and local officials who have the primary responsibility for overseeing these systems, with information on the health risks of these chemicals, so they can take the appropriate actions to protect their residents.

The EPA included PFOA and PFOS among the contaminants for which water systems are required to monitor under the third Unregulated Contaminant Monitoring Rule (2012). Results of this monitoring reported to date indicate that approximately one percent of the systems have reported levels of PFOA and PFOS at levels greater than EPA's Health Advisory (see <https://www.epa.gov/dwucmr/occurrence-data-unregulated-contaminant-monitoring-rule#3>). EPA's Health Advisories for PFOA and PFOS were informed by epidemiological studies of human populations that have been exposed to perfluoroalkyl substances (the group of chemicals of which PFOA and PFOS are a part).

Protecting people and the environment is EPA's mission, but we cannot do this work alone, and that is why we encourage you to stay involved. Just as it takes many drops of water to fill a bucket, the actions of many individuals are necessary to keep our environment clean, safe and healthy.

Again, thank you for sharing your concerns regarding the protection of our public health and water bodies.

Sincerely,

A handwritten signature in blue ink, which appears to read "Steph. Flaherty", is positioned above the printed name.

Stephanie Flaherty
Office of Ground Water and Drinking Water

Date: Tue Mar 28 16:32:58 EDT 2017
From: Hope.Brian@epamail.epa.gov
To: CMS.OEX@epamail.epa.gov
Subject: FW: Plea for Help

-----Original Message-----
From: Timothy Alund [mailto:talund@nybiz.rr.com]
Sent: Tuesday, March 28, 2017 11:45 AM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: Plea for Help

Dear Mr. Pruitt,

On March 2nd I sent you via FedEx Overnight this letter and copy of the case file with a plea for help in a matter with EPA that is bizarre at best. Please read my letter and review the case file.

The EPA is trying to destroy 40 jobs in Upstate NY. I need your help to keep them.

Sincerely,
Tim Alund

The site became a haven for drug users and drug sales. The EPA was in control.

For Five (5) years I repeatedly called and wrote EPA's attorney Beverly Kolenberg. She was EPA's person responsible for the site.

I offered to take over the responsibility of the site. I offered to pay all of the back taxes. I offered to clean up the site at an out-of-pocket cost of over \$500,000.00. I sent her pictures of the site and copies of police reports detailing the absolute decay and dangers that this site posed to local home owners under her direction. I repeatedly explained that the site was destroying the peace, safety and tranquility of the neighborhood. The neighborhood I grew up in.

I explained and showed her proof of the erosion of property values in the surrounding blue collar, middle to low income neighborhood. I spent thousands of dollars on attorney fees trying to convince her to use her power of economic benefit and let us make this right.

She repeatedly said no. She repeatedly said there was a judgment in place and she wanted the money. She did not care at all that hers and the EPA's mentality of Absolute Authority with no responsibility to local consequences was hurting everyone she was empowered to protect.

I turned to the Albany County Executive Dan McCoy and the Albany County Legislature. Albany County had a first position tax lien on the site. I explained my situation and idea. We got a standing ovation in the legislative chambers with a unanimous vote to foreclose and transfer. They were overjoyed that I would take on this responsibility and commit to get this eyesore cleaned up, back on the Tax rolls and work with NYS DEC to finish the contamination remediation.

The County Attorney foreclosed in 2013 and transferred the site to me. The County Attorney explained that the County's First Position lien extinguished the EPA's lien.

We went to work. We partnered with NYS DEC.

We installed protective fencing. We recycled over 45,000 tons of material. We cleaned and cleared. We put the site back on the tax rolls immediately. We employ over 30 people on the site. We invested in new heavy equipment.

We set up a green waste recycling area to handle green waste recycling for 12 local towns. We recycle all waste concrete and asphalt for local contractors and municipalities, as well as the State of NY. We hold educational seminars at local schools to teach our kids how recycling works. We've been featured in the local paper and business news as a great local partner in Green Waste recycling. We were getting the job done and ready to get financed to build a large indoor recycling facility.....

Now, three (3) years later, I received in the mail a notice that the EPA wants to reopen the suit against Out-Of-Business Timmons Corp, Deceased Don Stone and our property located at (b) (6).

EPA wants to get their lien back in place. They want us out of business.

I've enclosed copies of the recently received petition. This is a surreal situation. I have hired attorneys and the Albany County Executive and Albany County Attorney have joined us to fight the EPA. Even our local *Democrat* Congressman has offered to help. We have reached out to the newspapers and news shows to get the public aware of the damage that the EPA is trying to inflict again on our community.

In reality, we really need your help. We need someone at EPA with a clear head and common sense to stop this nonsense.

I've met President Trump. He's no dummy. He picked you to head the EPA for a reason. I believe he picked the right man.

We need your help.

We need to keep our people employed.

Please help.

Sincerely,

Tim Alund

(b) (6)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

June 13, 2017

Mr. Tim Alund
Melrose Group LLC
11 Herbert Drive
Latham, NY 12110

Re: Adirondack Steel Site, Colonie, NY

Dear Mr. Alund:

I am writing to you in response to your letter dated March 2, 2017 to U.S. Environmental Protection Agency's ("EPA") Administrator Scott Pruitt, which has been referred to me for response.

The subject of your letter is two motions filed in federal court in Albany, New York, by the U.S. Department of Justice on behalf of the EPA with respect to a lien on real property arising under the Comprehensive Environmental Response, Compensation, and Liability Act. The lien is on real property located at 191 Watervliet Road in the Town of Colonie, Albany County, New York, of which we understand the Melrose Group LLC is the owner.

By way of background, in 2006, the United States obtained a judgment awarding its response costs incurred in connection with the property. The EPA incurred costs addressing conditions at the property, which was referred to as the Adirondack Steel Superfund site. The 2006 action included a judgment against the property that constitutes a lien in favor of the United States.

On January 13, 2017, the Department of Justice filed the two above-referenced motions in the U.S. District Court for the Northern District of New York, one seeking to reopen the 2006 case and a second motion seeking to have the court confirm the continued existence of the United States' lien against the property in question.

In 2015, EPA became aware that in September 2013, Albany County caused the property in question to be conveyed to the Melrose Group LLC. The purpose of the filing of the motions is to confirm that Albany County's actions have not disturbed the United States' lien.

While EPA disagrees with the characterization of facts and circumstances set forth in your letter regarding EPA's role and actions concerning the property, we will forego addressing those statements at this time because the matter is the subject of pending litigation.

If you have any questions, please have your attorney forward them to the Department of Justice.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John Prince', with a stylized flourish extending to the right.

John Prince, Acting Director
Emergency and Remedial Response Division

Wed Mar 29 09:48:21 EDT 2017
Hope.Brian@epamail.epa.gov
FW: WIN - WIN - WIN
To: CMS.OEX@epamail.epa.gov

From: Robert Takvorian [mailto: (b) (6)]
Sent: Wednesday, March 29, 2017 7:34 AM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: WIN - WIN - WIN

Secretary Pruitt: Please go to <http://fuelcor.com/>

By the use of this technology invented by the same person who invented the Hybrid Engine for cars we can burn coal and nat gas and collect the CO2 which can be converted to crude oil and refined for transportation fuels. It is a WIN for the coal industry, a WIN for the economy and a WIN for the environment.

Regards,

Bob Takvorian

skype: robert.takvorian

c (b) (6)

Wed Mar 29 09:55:56 EDT 2017
Hope.Brian@epamail.epa.gov
FW: EPA Equity Investment Idea
To: CMS.OEX@epamail.epa.gov

From: Craig Young [mailto:(b) (6)]
Sent: Tuesday, March 28, 2017 6:35 PM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: EPA Equity Investment Idea

Dear Mr. Pruitt:

Thank you for taking the EPA in a direction that will no longer hamstring US companies with unnecessary regulations that have no real environmental benefit.

I recently had an idea that I believe aligns with the direction that President Trump has for our nation that would also provide both economic and environmental benefits to our nation. My idea would be for the EPA either directly or through another government agency, to provide investment capital for clean energy, pollution reduction, energy efficiency, or other environmental projects. These investments would not be the traditional grants, loans, or loan guarantees that EPA has historically provided. These would be equity investments in companies with agreements with those companies that the investments would be used to build new facilities (power plants, factories, etc with higher efficiencies and lower emissions), upgrade existing facilities, pollution control technologies, or other improvements with realistic environmental benefits. This would create jobs for the construction and operations of the new facilities or improvement, and provide financial gain to the government and ultimately to the taxpayer through the equity investment growth.

My vision for this program is that it would have three major benefits.

- Reduce pollutant emissions
- Create jobs
- Provide positive financial benefit to the US government.

If you would like to discuss my idea further please feel free to contact me at (520) 465-6549 or at (b) (6)

Sincerely,

Craig W. Young
Professional Environmental Engineer

Mr. Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

March 28, 2017

(b) (6)

Re: EPA Environmental Equity Investments Idea

Dear Mr. Pruitt:

Thank you for taking the EPA in a direction that will no longer hamstring US companies with unnecessary regulations that have no real environmental benefit.

I recently had an idea that I believe aligns with the direction that President Trump has for our nation that would also provide both economic and environmental benefits to our nation. My idea would be for the EPA either directly or through another government agency, to provide investment capital for clean energy, pollution reduction, energy efficiency, or other environmental projects. These investments would not be the traditional grants, loans, or loan guarantees that EPA has historically provided. These would be equity investments in companies with agreements with those companies that the investments would be used to build new facilities (power plants, factories, etc with higher efficiencies and lower emissions), upgrade existing facilities, pollution control technologies, or other improvements with realistic environmental benefits. This would create jobs for the construction and operations of the new facilities or improvement, and provide financial gain to the government and ultimately to the taxpayer through the equity investment growth.

My vision for this program is that it would have three major benefits.

- Reduce pollutant emissions
- Create jobs
- Provide positive financial benefit to the US government.

If you would like to discuss my idea further please feel free to contact me at (520) 465-6549 or at

(b) (6)

Sincerely,



Craig W. Young
Professional Environmental Engineer

Cc: President Donald Trump

Mr. Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

RECEIVED

March 28, 2017

2017 APR -4 AM 11:08

OFFICE OF THE
EXECUTIVE SECRETARIAT

Craig W. Young, P.E.

(b) (6)

5

Re: EPA Environmental Equity Investments Idea

Dear Mr. Pruitt:

Thank you for taking the EPA in a direction that will no longer hamstring US companies with unnecessary regulations that have no real environmental benefit.

I recently had an idea that I believe aligns with the direction that President Trump has for our nation that would also provide both economic and environmental benefits to our nation. My idea would be for the EPA either directly or through another government agency, to provide investment capital for clean energy, pollution reduction, energy efficiency, or other environmental projects. These investments would not be the traditional grants, loans, or loan guarantees that EPA has historically provided. These would be equity investments in companies with agreements with those companies that the investments would be used to build new facilities (power plants, factories, etc with higher efficiencies and lower emissions), upgrade existing facilities, pollution control technologies, or other improvements with realistic environmental benefits. This would create jobs for the construction and operations of the new facilities or improvement, and provide financial gain to the government and ultimately to the taxpayer through the equity investment growth.

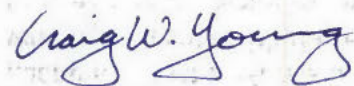
My vision for this program is that it would have three major benefits.

- Reduce pollutant emissions
- Create jobs
- Provide positive financial benefit to the US government.

If you would like to discuss my idea further please feel free to contact me at (520) 465-6549 or at

(b) (6)

Sincerely,



Craig W. Young
Professional Environmental Engineer

Cc: President Donald Trump

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Mr Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Mail Code: 1101A
Washington, D.C. 20460

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 16 2017

OFFICE OF
POLICY

Mr. Craig W. Young

(b) (6)

Dear Mr. Young:

On behalf of Administrator Pruitt, thank you for your letter and ideas regarding the provision of investment capital for environmental projects. As part of President Trump's agenda to make the federal government work better for the American people, we are evaluating a variety of ways to improve the Environmental Protection Agency's effectiveness, reduce unnecessary regulatory burden, and support economic growth in energy, manufacturing and other important sectors. This review includes considering innovative ways we can better meet critical environmental financing needs.

We will be sharing your proposal with colleagues who are working on solutions to meet our country's environmental investment needs. Thank you again for your interest in the work of the agency, and for sharing your thoughts on an approach to provide both environmental and economic benefits nationwide.

Sincerely,

A handwritten signature in black ink that reads "Samantha K. Dravis". The signature is written in a cursive, flowing style.

Samantha Dravis
Senior Counsel and
Associate Administrator

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2007-1005; FRL-9960-77]

Chlorpyrifos; Order Denying PANNA and NRDC's Petition to Revoke Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Order.

SUMMARY: In this Order, EPA denies a petition requesting that EPA revoke all tolerances for the pesticide chlorpyrifos under section 408(d) of the Federal Food, Drug, and Cosmetic Act and cancel all chlorpyrifos registrations under the Federal Insecticide, Fungicide and Rodenticide Act. The petition was filed in September 2007 by the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC).

DATES: This Order is effective [*insert date of publication in the Federal Register*].

Objections and requests for hearings must be received on or before [*insert date 60 days after date of publication in the Federal Register*], and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I. of the

SUPPLEMENTARY INFORMATION.)

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2007-1005, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave., NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday,

excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 347-0206; email address: *OPPChlorpyrifosInquiries@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

In this document EPA denies a petition by PANNA and the NRDC to revoke pesticide tolerances and cancel pesticide registrations. This action may also be of interest to agricultural producers, food manufacturers, or pesticide manufacturers. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (North American Industrial Classification System (NAICS) code 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS code 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS code 311), e.g. agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.

- Pesticide manufacturing (NAICS code 32532), e.g. agricultural workers; commercial applicators; farmers, greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The NAICS codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of This Document and Other Related Information?

EPA has established a docket for this action under Docket ID No. EPA-HQ-OPP-2007-1005. Additional information relevant to this action is located in the chlorpyrifos registration review docket under Docket ID No, EPA-HQ-OPP-2008-0850 and the chlorpyrifos tolerance rulemaking docket under Docket ID No, EPA-HQ-OPP-2015-0653. To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic

docket or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m. Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 346a(g)), any person may file an objection to any aspect of this order and may also request a hearing on those objections. You must file your objection or request a hearing on this order in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2007-1005 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before *[insert date 60 days after date of publication in the Federal Register]*, and may be submitted by one of the following methods:

- *Mail*: U.S. EPA Office of Administrative Law Judges, Mailcode 1900R, 1200 Pennsylvania Ave., NW., Washington, DC 20460

- *Hand Delivery*: U.S. Environmental Protection Agency Office of Administrative Law Judges, Ronald Reagan Building, Rm. M1200, 1300 Pennsylvania Ave., NW., Washington, DC 20004. Deliveries are only accepted during the Office's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Office's telephone number is (202) 564-6255.

In addition to filing an objection or hearing request with the Hearing Clerk as

described in 40 CFR part 178, please submit a copy of the filing that does not contain CBI for inclusion in the public docket that is described in I.B.1 above. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA-HQ-OPP-2007-1005, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency Office of Pesticide Programs (OPP) Public Regulatory Docket (7502P), 1200 Pennsylvania, Ave., NW, Washington DC 20460-0001.
- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

D. What Should be Included in Objections?

The objection stage is the second stage in the petition process under FFDCA section 408. This multi-stage process is initiated by a petition requesting establishment, modification, or revocation of a tolerance. Once EPA makes a decision on a petition, and publishes its decision in the Federal Register, the second stage of the petition process is triggered. At this point, parties who disagree with EPA's decision, whether it is a decision to grant or deny the petition, may file objections with EPA to the decision made.

The objection stage gives parties a chance to seek review of EPA's decision before the Agency. This is an opportunity for parties to contest the conclusions EPA reached and the determinations underlying those conclusions. As an administrative review stage, it is not an opportunity to raise new issues or arguments or present facts or information that were available earlier. On the other hand, parties must do more than repeat the claims in the petition. The objection stage is the opportunity to challenge EPA's decision on the petition. An objection fails on its face if it does not identify aspects of EPA's decision believed to be in error and explain the reason why EPA's decision is incorrect. This two-stage process insures that issues are fully aired before the Agency and a comprehensive record is compiled, prior to judicial review.

II. Introduction

A. What Action is the Agency Taking?

In this document, EPA denies a petition by PANNA and the NRDC. In a petition dated September 12, 2007, PANNA and NRDC (the petitioners) requested that EPA revoke all tolerances for the pesticide chlorpyrifos established under section 408 of the FFDCA. (Ref. 1) The petition also sought the cancellation of all chlorpyrifos pesticide product registrations under section 6 the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136d. The PANNA and NRDC petition (the Petition) raised the following claims regarding EPA's reregistration and active registrations of chlorpyrifos in support of the request for tolerance revocation and product cancellation:

1. EPA has ignored genetic evidence of vulnerable populations.
2. EPA has needlessly delayed a decision regarding endocrine disrupting effects.
3. EPA has ignored data regarding cancer risks.

4. EPA's 2006 cumulative risk assessment (CRA) for the organophosphates misrepresented risks and failed to apply FQPA 10X safety factor. [For convenience's sake, the legal requirements regarding the additional safety margin for infants and children in section 408(b)(2)(C) of the FFDCA are referred to throughout this response as the "FQPA 10X safety factor" or simply the "FQPA safety factor." Due to Congress' focus on both pre- and post-natal toxicity, EPA has interpreted this additional safety factor as pertaining to risks to infants and children that arise due to pre-natal exposure as well as to exposure during childhood years.]

5. EPA has over-relied on registrant data.

6. EPA has failed to properly address the exporting hazard in foreign countries from chlorpyrifos.

7. EPA has failed to quantitatively incorporate data demonstrating long-lasting effects from early life exposure to chlorpyrifos in children.

8. EPA has disregarded data demonstrating that there is no evidence of a safe level of exposure during pre-birth and early life stages.

9. EPA has failed to cite or quantitatively incorporate studies and clinical reports suggesting potential adverse effects below 10% cholinesterase inhibition.

10. EPA has failed to incorporate inhalation routes of exposure.

In this order EPA is denying the Petition in full. EPA provided the petitioners with two interim responses on July 16, 2012, and July 15, 2014, respectively. The July 16, 2012, response denied claim 6 (export hazard) completely and that portion of the response was a final agency action. The remainder of the July 16, 2012, response and the July 15, 2014, response expressed EPA's intention to deny six other petition claims (1-5

and 10). [In the 2012 response, EPA did, however, inform petitioners of its approval of label mitigation (in the form of rate reductions and spray drift buffers) to reduce bystander risks, including risks from inhalation exposure, which in effect partially granted petition claim 10.] EPA made clear in both the 2012 and 2014 responses that, absent a request from petitioners, EPA's denial of those six claims would not be made final until EPA finalized its response to the entire Petition. Petitioners made no such request. EPA is finalizing its denial of those six claims in this order.

The remaining claims (7-9) all related to same issue: whether the potential exists for chlorpyrifos to cause neurodevelopmental effects in children at exposure levels below EPA's existing regulatory standard (10% cholinesterase inhibition). While these claims raised novel, highly complex and unresolved scientific issues, EPA decided it would nonetheless expedite the registration review of chlorpyrifos under FIFRA section 3(g), and attempt to address these issues several years in advance of the October 1, 2022 deadline for completing that review. Accordingly, EPA also decided as a policy matter that it would address the Petition claims raising these matters on a similar timeframe. Although EPA had expedited its registration review to address these issues, the petitioners were not satisfied with EPA's progress in responding to the Petition and they brought legal action in the 9th Circuit Court of Appeals to compel EPA to either issue an order denying the Petition or to grant the Petition by initiating the tolerance revocation process. In August 2015, the 9th Circuit issued a ruling in favor of the petitioners and ordered EPA to respond to the Petition by either denying the Petition or issuing a proposed or final rule revoking chlorpyrifos tolerances. *In re Pesticide Action Network of North America v. EPA*, 798 F.3d (9th Cir. 2015).

On November 6, 2015, pursuant to the 9th Circuit's order, EPA proposed to revoke all chlorpyrifos tolerances based in part on uncertainty surrounding the potential for chlorpyrifos to cause neurodevelopmental effects – the issue raised in petition claims 7-9. Following publication of the proposal, the 9th Circuit announced that it would retain jurisdiction over this matter and on August 12, 2016, the court further ordered EPA to complete a final petition response by March 31, 2017 and made clear that no further extensions would be granted. On November 17, 2016, EPA published a notice of data availability that released for public comment EPA's revised risk assessment that proposed a new regulatory point of departure based on the potential for chlorpyrifos to result in adverse neurodevelopmental effects.

Following a review of comments on both the November 2015 proposal and the November 2016 notice of data availability, EPA has concluded that, despite several years of study, the science addressing neurodevelopmental effects remains unresolved and that further evaluation of the science during the remaining time for completion of registration review is warranted to achieve greater certainty as to whether the potential exists for adverse neurodevelopmental effects to occur from current human exposures to chlorpyrifos. EPA has therefore concluded that it will not complete the human health portion of the registration review or any associated tolerance revocation of chlorpyrifos without first attempting to come to a clearer scientific resolution on those issues. As noted, Congress has provided that EPA must complete registration review by October 1, 2022. Because the 9th Circuit's August 12, 2016 order has made clear, however, that further extensions to the March 31, 2017 deadline for responding to the Petition would not be granted, EPA is today also denying all remaining petition claims.

B. What Is the Agency's Authority for Taking This Action?

Under section 408(d)(4) of the FFDCA, EPA is authorized to respond to a section 408(d) petition to revoke tolerance either by issuing a final rule revoking the tolerances, issuing a proposed rule, or issuing an order denying the Petition.

III. Statutory and Regulatory Background

A. FFDCA/FIFRA and Applicable Regulations

1. *In general.* EPA establishes maximum residue limits, or "tolerances," for pesticide residues in food and feed commodities under section 408 of the FFDCA. Without such a tolerance or an exemption from the requirement of a tolerance, a food containing a pesticide residue is "adulterated" under section 402 of the FFDCA and may not be legally moved in interstate commerce. Section 408 was substantially rewritten by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104-170, 110 Stat. 1489 (1996)), which established a detailed safety standard for pesticides and integrated EPA's regulation of pesticide food residues under the FFDCA with EPA's registration and re-evaluation of pesticides under FIFRA. The standard for issuing or maintaining a tolerance under section 408(b)(2)(A)(i) of the FFDCA is whether it is "safe." "Safe" is defined by section 408(b)(2)(A)(ii) to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information."

While the FFDCA authorizes the establishment of legal limits for pesticide residues in food, section 3(a) of FIFRA requires the approval of pesticides prior to their

sale and distribution, and establishes a registration regime for regulating the use of pesticides. FIFRA regulates pesticide use in conjunction with its registration scheme by requiring EPA review and approval of pesticide labels and specifying that use of a pesticide inconsistent with its label is a violation of federal law. In the FQPA, Congress integrated action under the two statutes by requiring that the safety standard under the FFDCA be used as a criterion in FIFRA registration actions as to pesticide uses which result in dietary risk from residues in or on food, (*see* FIFRA section 2(bb)), and directing that EPA coordinate, to the extent practicable, revocations of tolerances with pesticide cancellations under FIFRA. (*see* FFDCA section 408(l)(1)). Under section 3(g) of FIFRA, EPA is required to re-evaluate pesticides under the FIFRA standard – which includes a determination regarding the safety of existing FFDCA tolerances – every 15 years under a program known as “registration review.” The deadline for completing the registration review for chlorpyrifos is October 1, 2022.

2. *Procedures for establishing, amending, or revoking tolerances.* Tolerances are established, amended, or revoked by rulemaking under the unique procedural framework set forth in the FFDCA. Generally, a tolerance rulemaking is initiated by the party seeking to establish, amend, or revoke a tolerance by means of filing a petition with EPA. (*See* FFDCA section 408(d)(1)). EPA publishes in the **Federal Register** a notice of the petition filing and requests public comment. After reviewing the petition, and any comments received on it, section 408(d)(4) provides that EPA may issue a final rule establishing, amending, or revoking the tolerance, issue a proposed rule to do the same, or deny the petition.

Once EPA takes final action on the petition by establishing, amending, or

revoking the tolerance or denying the petition, section 408(g)(2) allows any party to file objections with EPA and seek an evidentiary hearing on those objections. Objections and hearing requests must be filed within 60 days. Section 408(g)(2)(B) provides that EPA shall “hold a public evidentiary hearing if and to the extent the Administrator determines that such a public hearing is necessary to receive factual evidence relevant to material issues of fact raised by the objections.” EPA regulations make clear that hearings will only be granted where it is shown that there is “a genuine and substantial issue of fact,” the requestor has identified evidence “which ‘would, if established, resolve one or more of such issues in favor of the requestor,’ and the issue is ‘determinative’ with regard to the relief requested. (40 CFR 178.32(b)). Further, a party may not raise issues in objections unless they were part of the petition and an objecting party must state objections to the EPA decision and not just repeat the allegations in its petition. *Corn Growers v. EPA*, 613 F.2d 266 (D.C. Cir. 2010), cert. denied, 131 S. Ct. 2931 (2011). EPA’s final order on the objections is subject to judicial review. (21 U.S.C. 346a(h)(1)).

IV. Chlorpyrifos Regulatory Background

Chlorpyrifos (0,0-diethyl-0-3,5,6-trichloro-2-pyridyl phosphorothioate) is a broad-spectrum, chlorinated organophosphate (OP) insecticide that has been registered for use in the United States since 1965. By pounds of active ingredient, it is the most widely used conventional insecticide in the country. Currently registered use sites include a large variety of food crops (including tree fruits and nuts, many types of small fruits and vegetables, including vegetable seed treatments, grain/oilseed crops, and cotton, for example), and non-food use settings (e.g., ornamental and agricultural seed production, non-residential turf, industrial sites/rights of way, greenhouse and nursery production,

sod farms, pulpwood production, public health and wood protection). For some of these crops, chlorpyrifos is currently the only cost-effective choice for control of certain insect pests. In 2000, the chlorpyrifos registrants reached an agreement with EPA to voluntarily cancel all residential use products except those registered for ant and roach baits in child-resistant packaging and fire ant mound treatments.

In 2006, EPA completed FIFRA section 4 reregistration and FFDCA tolerance reassessment for chlorpyrifos and the OP class of pesticides. Having completed reregistration and tolerance reassessment, EPA is required to complete the next re-evaluation of chlorpyrifos under the FIFRA section 3(g) registration review program by October 1, 2022. Given ongoing scientific developments in the study of the OPs generally, in March 2009 EPA announced its decision to prioritize the FIFRA section 3(g) registration review of chlorpyrifos by opening a public docket and releasing a preliminary work plan to complete the chlorpyrifos registration review by 2015 – 7 years in advance of the date required by law.

The registration review of chlorpyrifos and the OPs has presented EPA with numerous novel scientific issues that the agency has taken to multiple FIFRA Scientific Advisory Panel (SAP) meetings since the completion of reregistration. [The SAP is a federal advisory committee created by section 25(d) of FIFRA, that serves as EPA's primary source of peer review for significant regulatory and policy matters involving pesticides.] Many of these complex scientific issues formed the basis of the 2007 petition filed by PANNA and NRDC and EPA therefore decided to address the Petition on a similar timeframe to EPA's expedited registration review schedule.

Although EPA expedited the chlorpyrifos registration review in an attempt to

address the novel scientific issues raised by the Petition in advance of the statutory deadline, the petitioners were dissatisfied with the pace of EPA's response efforts and have sued EPA in federal court on three separate occasions to compel a faster response to the Petition. As explained in Unit V., EPA had addressed 7 of the 10 claims asserted in the Petition by either denying the claim, issuing a preliminary denial or approving label mitigation to address the claims, but on June 10, 2015, in the *PANNA* decision, the U.S. Court of Appeals for the Ninth Circuit signaled its intent to order EPA to complete its response to the Petition and directed EPA to inform the court how – and by when – EPA intended to respond. On June 30, 2015, EPA informed the court that it intended to propose by April 15, 2016, the revocation of all chlorpyrifos tolerances in the absence of pesticide label mitigation that ensures that exposures will be safe. On August 10, 2015, the court rejected EPA's time line and issued a mandamus order directing EPA to "issue either a proposed or final revocation rule or a full and final response to the administrative Petition by October 31, 2015."

On October 30, 2015, EPA issued a proposed rule to revoke all chlorpyrifos tolerances which it published in the Federal Register on November 6, 2015 (80 FR 69080). On December 10, 2015, the Ninth Circuit issued a further order requiring EPA to complete any final rule (or petition denial) and fully respond to the Petition by December 30, 2016. On June 30, 2016, EPA sought a 6-month extension to that deadline in order to allow EPA to fully consider the most recent views of the FIFRA SAP with respect to chlorpyrifos toxicology. The FIFRA SAP report was finalized and made available for EPA consideration on July 20, 2016. (Ref. 2) On August 12, 2016, the court rejected EPA's request for a 6-month extension and ordered EPA to complete its final action by

March 31, 2017 (effectively granting EPA a three-month extension). On November 17, 2016, EPA published a notice of data availability (NODA) seeking public comment on both EPA's revised risk and water assessments and reopening the comment period on the proposal to revoke all chlorpyrifos (81 FR 81049). The comment period for the NODA closed on January 17, 2017.

V. Ruling on Petition

This order denies the Petition on the nine remaining grounds for which EPA has not issued a final denial that can be the subject of objections under section 408(g)(2) of the FFDCA. As noted in Unit II, on July 16, 2012, EPA denied as final agency action petitioners' claim 6 that the registration of chlorpyrifos created an export hazard for workers in foreign countries. That response and the response of July 15, 2014, also included EPA's preliminary denial of petition claims 1-5 and 10 (except to the extent EPA granted that claim) and EPA's responses to those claims are now incorporated into this order as set forth below. This unit also includes EPA's basis for denying petition claims 7-9. Each specific petition claim is summarized in this Unit V. immediately prior to EPA's response to the claim.

1. Genetic Evidence of Vulnerable Populations

a. Petitioners' claim. Petitioners claim that as part of EPA's reregistration decision (which was completed in 2006 with the completion of the organophosphate cumulative risk assessment) the Agency failed to calculate an appropriate intra-species uncertainty factor (i.e., within human variability) for chlorpyrifos in both its aggregate and cumulative risk assessments (CRA). They assert that certain relevant, robust data, specifically the Furlong et al. (2006) study (Ref. 3) that addresses intra-species variability

in the behavior of the detoxifying enzyme paraoxonase (PON1), indicate that the Agency should have applied an intra-species safety factor “of at least 150X in the aggregate and cumulative assessments” rather than the 10X factor EPA applied. Petitioners conclude by noting that applying an intra-species factor of 100X or higher would require setting tolerances below the level of detection, which therefore should compel EPA to revoke all chlorpyrifos tolerances.

b. *Agency Response.* Petitioners are correct that the Agency, as part of the 2006 OP CRA, evaluated, but did not rely on Furlong et al. in setting the intra-species uncertainty factor for that assessment. The Agency did not rely on the results of the PON1 data in the OP CRA because these data do not take into consideration the complexity of OP metabolism, which involves multiple metabolic enzymes, not just PON1. In addition, EPA believes the methodology utilized in the Furlong et al. study to measure intra-species variability – i.e., combining values from multiple species (transgenic mice and human) to determine the range of sensitivity within a single species – is not consistent with well-established international risk assessment practices. Further, EPA believes that petitioners’ assertion that the Furlong et al. study supports an intra-species uncertainty factor of at least 150X is based on an analysis of the data that is inconsistent with EPA policy and widely-accepted international guidance on the development of intra-species uncertainty factors. In addition, the 2008 FIFRA SAP did not support the use of the Furlong et al (2006) study alone in deriving an intra-species factor. For these reasons, and as further explained below, EPA believes it is not appropriate to solely rely on the results of the Furlong et al. study, or petitioners’ interpretation of those results, for purposes of determining the intra-species uncertainty

factor. To determine that factor, EPA first uses science tools to quantitatively characterize human variability in both exposure and dosimetry, and then determines the appropriate intra-species uncertainty factor to protect sensitive populations. Specifically, for chlorpyrifos, EPA uses a physiologically-based pharmacokinetic (PBPK) model to account for human variability in the absorption, distribution, metabolism and excretion (ADME) of chemicals based on key physiological, biochemicals, and physicochemical determinants of these ADME processes, including the influence of PON1 variability.

Addressing human variability and sensitive populations is an important aspect of the Agency's risk assessment process. The Agency is well aware of the issue of PON1 and has examined the scientific evidence on this source of genetic variability. PON1 is one of the key detoxification enzymes of chlorpyrifos and is included as part of the PBPK model used by EPA in the 2014 human health risk assessment (HHRA) and 2016 revised risk assessment. Specifically, PON1 is an A-esterase which can metabolize chlorpyrifos-oxon without inactivating the enzyme. (Ref. 4) Indeed, as part of the 2008 SAP, EPA performed a literature review of PON1 and its possible use in informing the intra-species (i.e., within human variability) uncertainty factor. This literature review can be found in the draft Appendix E: Data Derived Extrapolation Factor Analysis to the draft Science Issue Paper: Chlorpyrifos Hazard and Dose Response Characterization.(Ref. 5) In sum, the Agency considered available PON1 data from more than 25 studies from diverse human populations worldwide.

The Agency focused on the PON1-192 polymorphism since it has been linked to chlorpyrifos-oxon sensitivity in experimental toxicology studies and, has been evaluated in epidemiology studies attempting to associate PON1 status with health outcomes

following OP pesticide exposure in adults and children (Holland et al., 2006; Chen et al., 2003. (Ref. 6). [Note, Holland et al (2006) and Furlong et al (2006) report findings from the same cohort. The Holland reference provides enzymes activities for specific polymorphisms in Table 4; the Furlong paper does not report such values and provides information primarily in graphical form.] However, EPA believes that focusing on PON1 variability in isolation from other metabolic action is not an appropriate approach for developing a data-driven uncertainty factor. The Agency solicited feedback from the SAP on the utility of the PON1 data, by itself, for use in risk assessment; the SAP was similarly not supportive of using such data in isolation. Specifically, the SAP report states:

"...the information on PON1 polymorphisms should not be used as the sole factor in a data-derived uncertainty factor for two main reasons: 1) it is only one enzyme in a complex pathway, and is subsequent to the bioactivation reaction; therefore it can only function on the amount of bioactivation product (i.e., chlorpyrifos-oxon) that is delivered to it by CYP450); and 2) the genotype of PON1 alone is insufficient to predict vulnerability because the overall level of enzyme activity is ultimately what determines detoxification potential from that pathway; thus, it is better to use PON1 status because it provides information regarding PON1 genotype and activity. Some of the data from laboratory animal studies in PON knockout animals are using an unrealistic animal model and frequently very high dose levels, and do not reflect what might happen in humans." (Ref. 7)

Based on a detailed review of the literature and the comments from the SAP, the Agency has determined that such data are not appropriate for use alone in deriving an intra-species uncertainty factor for use in human health risk assessment. As indicated by the SAP report, multiple factors (e.g., other enzymes such as P450s, carboxylesterases, butyrylcholinesterase) are likely to impact potential population sensitivity, rendering the results of the PON1 data, by themselves, insufficiently reliable to support a regulatory

conclusion about the potential variation of human sensitivity to chlorpyrifos.

Since the 2008 SAP, several epidemiological studies have been published that considered the association between PON status/genotype and health outcome. Hofmann et al. (2009) recently reported associations between PON1 status and inhibition of butyrylcholinesterase (BuChE) in a group of pesticide handlers in Washington. The authors note that this study requires replication with larger sample size(s) and more blood samples. (Ref. 8) Given the limitations of Hofmann et al., the Agency has not drawn any conclusions from this study. The Q/R-192 and/or C/T -108 polymorphism at the promoter site have been evaluated recently as a factor affecting birth or neurobehavioral outcomes following gestational exposure to OPs. (Refs. 9, 10, 11) These studies (Eskanazi, et al., 2010 (Ref. 9); Harley et al., 2011 (Ref. 10); Engel et al., 2011 (Ref. 11)) were evaluated by EPA in preparation for the April 2012 SAP review.

Petitioners further emphasize that the Furlong et al. study supports an intra-species uncertainty factor of over 164X given the range of variability seen in that study. The 164X value is derived from sensitivity observed in transgenic mice expressing human PON1Q-192 compared with mice expressing human PON1R-192 combined with the range of plasma arylesterase (AREase) from the newborn with the lowest PON1 level compared with the mother with the highest PON1 level from a group of 130 maternal-newborn pairs from the CHAMACOS (Center for the Health Assessment of Mothers and Children of Salinas) cohort.

EPA believes it is fundamentally at odds with international risk assessment practices to combine values from both mouse and human data to determine the potential

range of variability within a single species – regardless of whether the test animals express a human PON1 enzyme. As the 2008 FIFRA SAP explained, PON1 is but a single enzyme that should not be considered in isolation to predict the overall level of enzyme activity that may affect human sensitivity to a substance. Using a 164X intra-species uncertainty factor derived from the Furlong et al. study would take this practice one step further by relying upon combined PON1 values from different species with differing overall metabolic activity to derive the intra-species factor. EPA does not believe this approach is an appropriate means of determining the potential range of intra-species variability.

Finally, petitioners' assertion that the Furlong study supports an intra-species uncertainty factor of at least 150X is based on an analysis of that study that is inconsistent with EPA policy and widely-accepted international guidance on the development of intra-species uncertainty factors. In deriving the intra-species uncertainty factor in its risk assessments, EPA is guided by the principles of the 2005 IPCS (Ref. 12) guidance on chemical specific adjustment factors (CSAFs) and the EPA's 2014 Guidance for Applying Quantitative Data to Develop Data-Derived Extrapolation Factors for Interspecies and Intraspecies Extrapolation. (Ref. 13) These guidances recommend that intra-species factors should be extrapolated from a measure of central tendency in the population to a measure in the sensitive population (i.e., to extrapolate from a typical human to a sensitive human). To base the factor on the difference between the single lowest and highest measurements in a given study, as petitioners suggest in this instance, would likely greatly exaggerate potential intra-species variability. That approach effectively assumes that the point of departure in an EPA risk assessment will be derived

from the least sensitive test subject, thereby necessitating the application of an intra-species factor that accounts for the full range of sensitivity across a species. Since EPA does not develop its PoDs in this fashion; the approach suggested by petitioners is not appropriate.

In summary, the Agency has carefully considered the issue of PON1 variability and determined that data addressing PON1 in isolation are not appropriate for use alone in deriving an intra-species uncertainty factor and that the issue is more appropriately handled using a PBPK model. Further, the derivation of the 164X value advocated by the petitioners is based on combining values from humanized mice with human measured values with a range from highest to lowest; the Furlong et al. derivation is inappropriate and inconsistent with international risk assessment practice. (Ref. 2) The 2008 FIFRA SAP did not support the PON1 data used in isolation. Finally, petitioners' statement that the Furlong et al. study supports an intra-species uncertainty factor of at least 150X likely overstates potential variability. EPA therefore denies this aspect of the Petition.

2. Endocrine Disrupting Effects

a. Petitioners' claim. Petitioners summarize a number of studies evaluating the effects of chlorpyrifos on the endocrine system, asserting that, taken together, the studies "suggest that chlorpyrifos may be an endocrine disrupting chemical, capable of interfering with multiple hormones controlling reproduction and neurodevelopment." The petitioners then assert that EPA should not have delayed consideration of endocrine effects absent finalization of the Endocrine Disruptor Screening Program (EDSP) (Ref. 14) and should have quantitatively incorporated the studies into the chlorpyrifos IRED.

b. Agency Response. This portion of the Petition appears largely to be a complaint

about the completeness of EPA's reregistration decision and a request that EPA undertake quantitative incorporation of endocrine endpoints into its assessment of chlorpyrifos. The Petition does not explain whether and how endocrine effects should form the basis of a decision to revoke tolerances. The basis for seeking revocation of a tolerance is a showing that the pesticide is not "safe." Petitioners have neither asserted that EPA should revoke tolerances because effects on the endocrine system render the tolerances unsafe, nor have petitioners submitted a factual analysis demonstrating that aggregate exposure to chlorpyrifos presents an unsafe risk to humans based on effects on the endocrine system. Rather, the Petition appears to collect a number of studies suggesting that chlorpyrifos may have effects on the endocrine system and that EPA should have considered those health impacts at reregistration in a quantitative assessment.

To the extent that petitioners are seeking tolerance revocation on these grounds, the Petition fails to provide a sufficient basis for revocation because, in addition to the preceding defects, the cited data do not provide quantitative data (i.e. endpoints/points of departure) that indicate endocrine effects at doses that are more sensitive than the points of departure used in the chlorpyrifos risk assessment that are based on cholinesterase inhibition. While the cited studies provide qualitative information that exposure to chlorpyrifos may be associated with effects on the androgen and thyroid hormonal pathways, these data alone do not demonstrate that current human exposures from existing tolerances are unsafe. The Agency noted similar effects during its evaluation of information submitted by People for the Ethical Treatment of Animals (PETA) and the Physicians Committee for Responsible Medicine (PCRM) during its review of existing information as part of EPA's EDSP, as discussed below. Based on the review of that

data, EPA concluded that the effects seen in those studies do not call into question EPA's prior safety determinations supporting the existing tolerances; the data do not indicate a risk warranting regulatory action, and the petitioners have provided no specific information to alter this determination.

Consequently, the Petition does not support a conclusion that existing tolerances are unsafe due to potential endocrine effects. This portion of the Petition is therefore denied.

As petitioners may be aware, since the filing of the petition, EPA has completed the evaluation of chlorpyrifos under EPA's EDSP, as required under FFDCA section 408(p) that confirms EPA's conclusions. On April 15, 2009, a **Federal Register** notice was published in which chlorpyrifos was included in the initial list of chemicals (List 1) to receive EDSP Tier 1 test orders. The EDSP program is a two-tiered screening and testing program, Tier 1 and Tier 2 tests. Tier 1 includes 11 assays in the battery; these data are intended to allow EPA to determine whether certain substances (including pesticide active and other ingredients) have the potential to interact with the endocrine system and cause an effect in humans or wildlife similar to an effect produced by a "naturally occurring estrogen, or other such endocrine effects as the Administrator may designate." The purpose of Tier 2 tests is to identify and establish a quantitative, dose-response relationship for any adverse effects that might result from the interactions with the endocrine system.

On November 5, 2009, EPA issued Tier 1 test orders to the registrants of chlorpyrifos, requiring a battery of 11 screening assays to identify the potential to interact with the estrogen, androgen, or thyroid hormonal systems. (Ref. 15)

The agency received and reviewed all 11 EDSP Tier 1 screening assays for chlorpyrifos. On June 29, 2015, the agency completed the EDSP weight of evidence (WoE) conclusions for the Tier 1 screening assays for List 1 chemicals, including chlorpyrifos. In addition to the Tier 1 data, the WoE evaluations considered other scientifically relevant information (OSRI), including general toxicity data and open literature studies of sufficient quality. In determining whether chlorpyrifos interacts with the estrogen, androgen or thyroid pathways, the agency considered the number and type of effects induced, the magnitude and pattern of responses observed across studies, taxa, and sexes. Additionally, the agency also considered the conditions under which effects occurred, in particular whether or not endocrine-related responses occurred at dose(s) that also resulted in general systemic or overt toxicity. The agency concluded that, based on weight of evidence considerations, EDSP Tier 2 testing is not recommended for chlorpyrifos since there was no evidence of potential interaction with the estrogen, androgen and thyroid pathways. The EDSP Tier 1 WoE assessment and associated data evaluation records for chlorpyrifos are available online. (Ref. 16) This assessment further supports EPA's denial of this portion of the Petition.

3. Cancer Risks

a. Petitioners' claim. Petitioners claim that the Agency "ignored" a December 2004 National Institutes of Health Agricultural Health Study (AHS) by Lee et al. (2004) (Ref. 17) that evaluated the association between chlorpyrifos and lung cancer incidence. (Ref. 17) The petition summarizes the results of the AHS study, stating that the incidence of lung cancer has a statistically significant association with chlorpyrifos exposure. The Petition then asserts that these data are highly relevant and therefore should have been

referenced in the final aggregate assessment for chlorpyrifos or the OP CRA. Petitioners do not otherwise explain whether and how these data support the revocation of tolerances or the cancellation of pesticide registrations.

b. Agency Response. As explained in the previous section, the basis for seeking revocation of a tolerance is a showing that the pesticide is not "safe." Claiming that EPA failed to reference certain data in its risk assessment regarding carcinogenicity does not amount to illustrating that the tolerances are unsafe. To show a lack of safety, petitioners would have to present some fact-based argument demonstrating that aggregate exposure to chlorpyrifos poses an unsafe carcinogenic risk. Petitioners have not presented such an analysis. Accordingly, EPA is denying the Petition to revoke chlorpyrifos tolerances or cancel chlorpyrifos registrations to the extent the Petition relies on claims pertaining to carcinogenicity.

Despite the inadequacy of petitioners' cancer claims, in the course of the Agency's review of chlorpyrifos, EPA has examined the Lee et al. study cited by petitioners (Ref. 17) among other lines of evidence. EPA has concluded that the Lee et al. investigation does not alter the Agency's weight of evidence determination concerning chlorpyrifos' carcinogenic potential, and therefore does not alter the Agency's current cancer classification for chlorpyrifos. Specifically, the Agency does not believe this evidence raises sufficient grounds for concern regarding chlorpyrifos that EPA should consider initiating action based upon this information that might lead to revocation of the chlorpyrifos tolerances or cancellation of the chlorpyrifos registrations.

The Agency was aware of the December 2004 study cited by petitioners. While Lee et al. observed a possible association between chlorpyrifos use and the incidence of

lung cancer, the authors also stressed that further evaluation was necessary before concluding the association was causal in nature.(Ref. 17) Additional evaluation is necessary because of possible alternative explanations for the Lee et al. study, which include unmeasured confounding factors or confounding factors not fully accounted for in the analysis, and possible false positive results due to the performance of multiple statistical tests.

EPA has been a collaborating agency with the AHS since 1993, and continues to closely monitor the AHS literature. The Agency is working closely with the AHS researchers to clearly understand the results of their research efforts to ensure the Agency appropriately interprets these data as future studies are published. Between 2003 and 2009 there have been six nested case-control analyses within the AHS which evaluated the use of a number of agricultural pesticides, including chlorpyrifos, in association with specific anatomical cancer sites, in addition to the previously published cohort study (Ref. 17) cited by the petitioners. As noted below, both the Agency and Health Canada have comprehensively reviewed these data.

In accordance with the Agency's 2005 Guideline for Cancer Risk Assessment (Ref. 18), chlorpyrifos is classified as "Not Likely to be Carcinogenic to Humans" based on the lack of evidence of carcinogenicity in male or female mice and male or female rats. In chronic toxicity/ carcinogenicity studies, animals received chlorpyrifos in their feed every day of their lives (78 weeks for mice and 104 weeks for rats) at doses thousands of times greater than any anticipated exposure to humans from authorized uses. There was no evidence of cancer in the experimental animal studies. Additionally, available evidence from *in vivo* and *in vitro* assays did not support a mutagenic or

genotoxic potential of chlorpyrifos.

Recently, the Agency conducted its own review of the six nested case-control analyses and one cohort study within the AHS concerning the carcinogenic potential of chlorpyrifos. (Ref. 19) EPA concluded with respect to the AHS lung cancer results that the findings are useful for generating hypotheses, but require confirmation in future studies. This conclusion is consistent with that of researchers from Health Canada. Specifically, Weichenthal et al. (2010) (Ref. 20) published a review article in Environmental Health Perspectives on pesticide exposure and cancer incidence in the AHS cohort. Their review of these same studies concluded that the weight of experimental toxicological evidence does not suggest that chlorpyrifos is carcinogenic, and that epidemiologic results currently available from the AHS are inconsistent, lack replication, and lack a coherent biologically plausible carcinogenic mode of action. The authors did note positive exposure-response associations for chlorpyrifos and lung cancer in two separate evaluations.

In summary, while there is initial suggestive epidemiological evidence of an association between chlorpyrifos and lung cancer to only form a hypothesis as to a carcinogenic mode of action, additional research (including follow-up AHS research) is needed to test the hypothesis. Consequently, at this time it is reasonable to conclude chlorpyrifos is not a carcinogen in view of the lack of carcinogenicity in the rodent bioassays and the lack of a genotoxic or mutagenic potential. The Agency concludes that existing epidemiological data (including Lee et al.) do not change the current weight of the evidence conclusions. The Agency continues to believe there is not a sufficient basis to alter its assessment of chlorpyrifos as not likely to be carcinogenic to humans when

multiple lines of evidence are considered (e.g., epidemiology findings, rodent bioassay, genotoxicity); therefore, chlorpyrifos cancer risk would not be a factor in any potential Agency risk determination to revoke tolerances for chlorpyrifos.

4. CRA misrepresents risks, failed to apply FQPA 10X Safety Factor

a. Petitioners' claim. Petitioners assert that EPA relied on limited data and inaccurate interpretations of data to support its decision to remove the FQPA safety factor in the 2006 OP CRA. Specifically, the petitioners challenge the Agency's use of data from a paper by Zheng et al. (2000) (Ref. 21) claiming that, in contrast to the Agency's analysis of the study data, the data does show an obvious difference between juvenile and adult responses to chlorpyrifos. Petitioners conclude by asserting that the Zheng et al. study supports using a 10X safety factor for chlorpyrifos in the CRA.

b. Agency Response. Petitioners' assertions do not provide a sufficient basis for revoking chlorpyrifos tolerances. As explained previously, the ground for seeking revocation of a tolerance is a showing that the pesticide is not "safe." The petitioners' claim that the data EPA relied upon support a different FQPA safety factor for chlorpyrifos in the CRA does not amount to a showing that chlorpyrifos tolerances are unsafe. To show a lack of safety, petitioners would have to present a factual analysis demonstrating that the lack of a 10X safety factor in the CRA for chlorpyrifos poses unsafe cumulative exposures to the OPs. Petitioners have not made such a showing. For this reason, EPA is denying the petitioners' request to revoke chlorpyrifos tolerances or cancel chlorpyrifos registrations to the extent that request relies on claims pertaining to EPA's failure to provide a 10X safety factor in the 2006 CRA based on the results of the Zheng et al. study.

Despite the inadequacy of petitioners' FQPA safety factor claims, EPA examined the evidence cited by petitioners for the purpose of evaluating whether the evidence raises sufficient grounds for concern regarding chlorpyrifos that EPA should consider initiating the actions sought by the petitioners.

In general, when the Agency conducts a cumulative assessment, the scope of cumulative risk is limited to the common mechanism endpoint -- which in this case of the 2006 OP CRA, was cholinesterase inhibition, the primary toxicity mode of action for the OPs. As such, for the OP CRA, experimental toxicology data on AChE inhibition were used for developing relative potency estimates, points of departure, and informing the FQPA safety factor used in the OP CRA. EPA relied on brain AChE data from adult female rats dosed for 21 days or longer for estimating relative potency and points of departure. At approximately three weeks of oral exposure to OPs, AChE inhibition reaches steady state in the adult rat such that continued dosing does not result in increased inhibition. This timeframe of toxicity (21-days and longer) was selected as there was high confidence in the potency estimates derived from the steady state toxicology studies due to the stability of the AChE inhibition.

The Agency's 2006 OP CRA contained EPA's complete FQPA safety factor analysis, (Ref. 22) which involved consideration of pre-natal and post-natal experimental toxicology studies, in addition to exposure information. In the OP CRA, pre-natal exposure AChE studies in rats show that the fetus is no more sensitive than the dam to AChE inhibition and the fetus is often less sensitive than the dam. Thus, evaluating the potential for increased toxicity of juveniles from post-natal exposure was a key

component in determining the magnitude of the FQPA safety factors in the OP CRA. Furthermore, because characteristics of children are directly accounted for in the cumulative exposure assessment, the Agency's methods did not underestimate exposure to OPs.

In the 2006 OP CRA, each OP was assigned a 10X FQPA safety factor unless chemical-specific AChE data on young animals were available to generate a data derived safety factor. To best match the relative potency factor (RPF)s and PODs based on repeated dosing, the Agency used repeated dosing data in juveniles for developing the FQPA safety factors. For chlorpyrifos, at the time of the 2006 OP CRA, the only such data available were from the Zheng et al. literature study.

The petitioners are correct that Dr. Carey Pope of Oklahoma State University provided the Agency with the raw data from the Zheng et al. study. These raw data were used to develop the plot in the 2006 OP CRA which was reproduced in the Petition. Petitioners accurately note that for other OPs a benchmark dose modeling approach was used and that no BMD values were reported for chlorpyrifos. In determining the FQPA safety factor, petitioners claim that the Agency misinterpreted the brain AChE data from Zheng et al.

As shown in the plot reproduced on page 15 of the Petition, the dose-response data in the Zheng et al. study are variable and lack a monotonic shape at the low dose end of the dose response curve. The Agency acknowledges that at the high dose, the pups appear to be more sensitive. However, at the low dose end of the response curve, relevant for human exposures and, thus, the cumulative risk assessment (i.e., at or near the 10% inhibition level), little to no difference is observed. Therefore, despite the lack

of BMD estimates for the Zheng et al. study, the Agency is confident in the value used to address the common mechanism endpoint (AChE inhibition) addressed in the 2006 CRA. Since that time, the Agency attempted BMD modeling of the Zheng et al. data as part of the 2011 preliminary chlorpyrifos HHRA (Ref. 23) which yielded low confidence results due to the variability in the data.

Dow AgroSciences submitted a comparative cholinesterase study (CCA) for chlorpyrifos. CCA studies are specially designed studies to compare the dose-response relationship in juvenile and adult rats. This CCA study includes two components: 1) acute, single dosing in post-natal day 11 and young adult rats and 2) 11-days of repeating dosing in rat pups from PND11-21 and 11-days of repeated dosing in adult rats. The CCA study for chlorpyrifos is considered by EPA to be high quality and well-designed. The preliminary risk assessment for chlorpyrifos' reports BMD estimates from this CCA study. Specifically, for the repeated dosing portion of the study, the BMD_{10s} of 0.80 (0.69 BMDL₁₀) and 1.0 (0.95 BMDL₁₀) mg/kg/day respectively for female pups and adults support the FQPA safety factor of 1X for the AChE inhibition endpoint used in the 2006 OP CRA. As such, petitioners' claims regarding the CRA and FQPA safety factor is denied.

5. Over-reliance on registrant data.

a. Petitioners' claims. Petitioners assert that in reregistering chlorpyrifos EPA "cherry picked" data, "ignoring robust, peer-reviewed data in favor of weak, industry-sponsored data to determine that chlorpyrifos could be re-registered and food tolerances be retained." As such, the Agency's reassessment decision is not scientifically defensible.

b. Agency response. This portion of the Petition does not purport to be an independent basis for revoking chlorpyrifos tolerances or cancelling chlorpyrifos registrations. Rather, this claim appears to underlie petitioners' arguments in other sections of the Petition. While petitioners claim that EPA ignored robust, peer-reviewed data in favor of weak, industry-sponsored data for the reregistration of chlorpyrifos, petitioners do not cite to any studies other than those used to support their other claims. In general, petitioners did not provide any studies in the Petition that EPA failed to evaluate. Since the specific studies cited by petitioners are not associated with this claim, but rather their other claims, EPA's response to the specific studies are, therefore, addressed in its responses to petitioners' other claims. However, EPA explains below why, as a general matter, the Agency does not believe it "over-relied" on registrant data in evaluating the risks of chlorpyrifos in its 2006 reregistration decision.

In spite of petitioners' claim, the Agency does not ignore robust, peer-reviewed data in favor of industry-sponsored data. Further, EPA has a very public and well-documented set of procedures that it applies to the use and significance accorded all data utilized to inform risk management decisions. Registrant generated data, in response to FIFRA and FFDCA requirements, are conducted and evaluated in accordance with a series of internationally harmonized and scientifically peer-reviewed study protocols designed to maintain a high standard of scientific quality and reproducibility. (Refs. 23 and 24).

Additionally, to further inform the Agency's risk assessment, EPA is committed to the consideration of other sources of information such as data identified in the open, peer-reviewed literature and information submitted by the public as part of the regulatory

evaluation of a pesticide. An important issue, when evaluating any study, is its scientific soundness and quality, and thus, the level of confidence in the study findings to contribute to the risk assessment.

The literature was searched, fully considered, and provided additional information on, chlorpyrifos mode of action, pharmacokinetics, epidemiology, neurobehavioral effects in laboratory animals, and age dependent sensitivity to cholinesterase inhibition.

Therefore, by evaluating registrant data in accordance with internationally harmonized and scientifically peer-reviewed study protocols, undertaking thorough open literature searches, and considering information provided by the public, the Agency is confident that its assessment for chlorpyrifos in 2006 was reasonably based upon the best available science at the time of the assessment. Previous sections of this response to petitioners' claims regarding the Agency's inadequate use of various data only further highlights and supports the scientifically defensible results of the Agency's assessment. Petitioners' claim that the Agency overly relies on registrant data is therefore denied.

6. EPA has failed to properly address the exporting hazard in foreign countries from chlorpyrifos.

As noted in Unit II., in EPA's July 16, 2012 interim petition response EPA issued a final denial of this claim. That denial constituted final agency action and EPA is not reopening consideration of that claim.

7.-9. EPA failed to quantitatively incorporate data demonstrating long-lasting effects from early life exposure to chlorpyrifos in children; EPA disregarded data demonstrating that there is no evidence of a safe level of exposure during pre-birth and early life stages; EPA failed to cite or quantitatively incorporate studies and clinical

reports suggesting potential adverse effects below 10% cholinesterase inhibition.

a. *Petitioners' claims.* The petitioners assert that human epidemiology and rodent developmental neurotoxicity data suggest that pre-natal and early life exposure to chlorpyrifos can result in long-lasting, possibly permanent damage to the nervous system and that these effects are likely occurring at exposure levels below 10% cholinesterase inhibition, EPA's existing regulatory standard for chlorpyrifos and other OPs. They assert that EPA has therefore used the wrong endpoint as a basis for regulation and that, taking into account the full spectrum of toxicity, chlorpyrifos does not meet the FFDCA safety standard or the FIFRA standard for registration.

b. *Agency response.* EPA has grouped claims 7-9 together because they fundamentally all raise the same issue: whether the potential exists for chlorpyrifos to cause neurodevelopmental effects in infants and children from exposures (either to mothers during pregnancy or directly to infants and children) that are lower than those resulting in 10% cholinesterase inhibition – the basis for EPA's long-standing point of departure in regulating chlorpyrifos and other OPs. While petitioners may perhaps disagree, unlike the claims addressed above, these claims were not truly challenges to EPA's 2006 reregistration decision for chlorpyrifos, but rather, challenges to EPA's ongoing approval of chlorpyrifos under FIFRA and the FFDCA that rely in large measure on data published after EPA completed both its 2001 chlorpyrifos Interim Reregistration Decision and the 2006 OP CRA that concluded the reregistration process for chlorpyrifos and all other OPs. As matters that largely came to light after the completion of reregistration, these petition issues are issues to be addressed as part of the registration review of chlorpyrifos – the next round of re-evaluation under section 3(g) of FIFRA. As

petitioners are aware, past EPA administrations prioritized the registration review of the OPs in no small measure to begin to focus on the question of OP neurodevelopmental toxicity, which was, and remains, an issue at the cutting edge of science, involving significant uncertainties. EPA has three times presented approaches and proposals to the FIFRA SAP for evaluating recent epidemiologic data (some of which is cited in the Petition) exploring the possible connection between *in utero* and early childhood exposure to chlorpyrifos and adverse neurodevelopmental effects. The SAP's reports have rendered numerous recommendations for additional study and sometimes conflicting advice for how EPA should consider (or not consider) the epidemiology data in conducting EPA's registration review human health risk assessment for chlorpyrifos. While industry and public interest groups on both sides of this issue can debate what the recommendations mean and which recommendations should be followed, one thing should be clear to all persons following this issue: the science on this question is not resolved and would likely benefit from additional inquiry.

EPA has, however, been unable to persuade the 9th Circuit Court of Appeals that further inquiry into this area of unsettled science should delay EPA's response to the Petition. Faced with an order requiring EPA to respond to the Petition, in October 2015, EPA chose to issue a proposed rule to revoke all chlorpyrifos tolerances based in part on the uncertain science surrounding neurodevelopmental toxicity suggested by certain epidemiology studies. The comments EPA has received on that proposal and on EPA's November 17, 2016 NODA suggest that there continue to be considerable areas of uncertainty with regard to what the epidemiology data show and deep disagreement over how those data should be considered in EPA's risk assessment.

Although not a legal consideration, it is important to recognize that for many decades chlorpyrifos has been and remains one of the most widely used pesticides in the United States, making any decision to retain or remove this pesticide from the market an extremely significant policy choice. In light of the significance of this decision and in light of the significant uncertainty that exists regarding the potential for chlorpyrifos to cause adverse neurodevelopmental effects, EPA's preference is to fully explore approaches raised by the SAP and commenters on the proposed rule, and possibly seek additional authoritative peer review of EPA's risk assessment prior to finalizing any regulatory action in the course of registration review. As the 9th Circuit has made clear in its August 12, 2016 order in *PANNA v. EPA*, EPA must provide a final response to the Petition by March 31, 2017, regardless of whether the science remains unsettled and irrespective of whatever options may exist for more a complete resolution of these issues during the registration review process.

While EPA acknowledges its obligation to respond to the Petition as required by the court, the court's order does not and cannot compel EPA to complete the registration review of chlorpyrifos in advance of the October 1, 2022 deadline provided in section 3(g) of FIFRA, 7 U.S.C. 136a(g). Although past EPA administrations had chosen to attempt to complete that review several years in advance of the statutory deadline (and respond to the Petition on the same time frame), it has turned out that it is not possible to fully address these issues early in the registration review period. As a result, EPA has concluded that it should alter its priorities and adjust the schedule for chlorpyrifos so that it can complete its review of the science addressing neurodevelopmental effects prior to making a final registration review decision whether to retain, limit or remove

chlorpyrifos from the market. Accordingly, EPA is denying these Petition claims and intends to complete a full and appropriate review of the neurodevelopmental data before either finalizing the proposed rule of October 30, 2015, or taking an alternative regulatory path.

EPA's denial of the Petition on the grounds provided above is wholly consistent with governing law. The petition provision in FFDCA section 408(d) does not address the timing for responding to this petition nor does it limit the extent to which EPA may coordinate its petition responses with the registration review provisions of FIFRA section 3(g). Further, provided EPA completes registration review by October 1, 2022, Congress otherwise gave the EPA Administrator the discretion to determine the schedule and timing for completing the review of the approximately over 1000 pesticide active ingredients currently subject to evaluation under section 3(g). EPA may lawfully re-prioritize the registration review schedule developed by earlier administrations provided that decision is consistent with law and an appropriate exercise of discretion. *See Federal Communications Commission v. Fox Television Stations*, 129 S.Ct. 1800 (2009) (Administrative Procedure Act does not require that a policy change be justified by reasons more substantial than those required to adopt a policy in the first instance). Nothing in FIFRA section 3(g) precludes EPA from altering a previously established registration review schedule. Given the absence of a clear statutory directive, FIFRA and the FFDCA provide EPA with discretion to take into account EPA's registration review of a pesticide in determining how and when the Agency responds to FFDCA petitions to revoke tolerances. As outlined above, given the importance of this matter and the fact that critical questions remain regarding the significance of the data

addressing neurodevelopmental effects, EPA believes there is good reason to extend the registration review of chlorpyrifos and therefore to deny the Petition. To find otherwise would effectively give petitioners under the FFDCA the authority to re-order scheduling decisions regarding the FIFRA registration review process that Congress has vested in the Administrator.

10. Inhalation Exposure from Volatilization

a. Petitioners' claim. Petitioners assert that when EPA completed its 2006 OP CRA, EPA failed to consider and incorporate significant exposures to chlorpyrifos-contaminated air that exist for some populations in communities where chlorpyrifos is applied. Petitioners assert that these exposures exceeded safe levels when considering cholinesterase inhibition as a point of departure and that developmental neurotoxicity may occur at even lower exposure levels than those resulting in cholinesterase inhibition.

b. Agency response. To the extent petitioners are asserting that human exposure to chlorpyrifos spray drift and volatilized chlorpyrifos present neurodevelopmental risks for infants and children, EPA is denying this claim for the reasons stated above in our response to claims 7-9. As noted, EPA believes that, given the uncertainties associated with this identified risk concern, the appropriate course of action is for EPA to deny the Petition and work to further resolve this area of unsettled science in the time remaining for the completion of registration review under section 3(g) of FIFRA.

With respect to petitioners' claim that exposures to spray drift and volatilized chlorpyrifos present a risk from cholinesterase inhibition, EPA is denying the Petition for the reasons previously identified in EPA's Spray Drift Mitigation Decision of July 16, 2012 [EPA-HQ-OPP-2008-0850] and EPA's interim response of July 15, 2014 [EPA-

HQ-OPP-2007-1005] addressing chlorpyrifos volatilization. In the Spray Drift Mitigation Decision, EPA determined that the chlorpyrifos registrants' adoption of label mitigation (in the form of label use rate reductions and no spray buffer zones) eliminated risk from cholinesterase inhibition as a result of spray drift. As for risks presented by volatilized chlorpyrifos that may occur following application, EPA's July 15, 2014 interim response to the Petition explained that recent vapor phase inhalation studies for both chlorpyrifos and chlorpyrifos-oxon made clear that neither vapor phase chlorpyrifos nor chlorpyrifos-oxon presents a risk of cholinesterase inhibition. Specifically, those studies, as indicated in EPA's memorandum, *Chlorpyrifos: Reevaluation of the Potential Risks from Volatilization in Consideration of Chlorpyrifos Parent and Oxon Vapor Inhalation Toxicity Studies* (Ref. 25), revealed that levels of chlorpyrifos and chlorpyrifos-oxon in vapor form are much lower than the levels seen in earlier aerosol studies that are better suited for evaluating spray drift. Indeed, no cholinesterase inhibition was observed in either volatility study. What is clear from these data is that the air cannot hold levels of volatilized chlorpyrifos or its oxon that are capable of causing adverse effects from cholinesterase inhibition.

VI. Regulatory Assessment Requirements

As indicated previously, this action announces the Agency's order denying a petition filed, in part, under section 408(d) of FFDCA. As such, this action is an adjudication and not a rule. The regulatory assessment requirements applicable to rulemaking do not, therefore, apply to this action.

VII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, does not apply because this

action is not a rule for purposes of 5 U.S.C. 804(3).

IX. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under FOR FURTHER INFORMATION CONTACT.

1. The Petition from NRDC and PANNA and EPA's various responses to it are available in docket number EPA-HQ-OPP-2007-1005 available at <http://www.regulations.gov>.
2. FIFRA Scientific Advisory Panel (2016). "Chlorpyrifos: Analysis of Biomonitoring Data". Available at: <https://www.epa.gov/sap/meeting-materials-april-19-21-2016-scientific-advisory-panel>.
3. Furlong CE, Holland N, Richter RJ, Bradman A, Ho A, Eskenazi B (2006). PON1 status of farmworker mothers and children as a predictor of organophosphate sensitivity. *Pharmacogenet Genomics*. 2006 Mar; 16(3):183-90.
4. Sultatos LG; Murphy SD, (1983). Kinetic Analysis Of The Microsomal Biotransformation Of The Phosphorothioate Insecticides Chlorpyrifos And Parathion. *Fundamental and Applied Toxicology*. 3:16-21.
5. U.S. EPA (2008). Draft Appendix E available at <http://www.epa.gov/scipoly/sap/meetings/2008/september/appendixe.pdf>. Draft Science Issue Paper: Chlorpyrifos Hazard and Dose Response Characterization. August 21, 2008.

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<http://www.epa.gov/scipoly/sap/meetings/2008/september/chlorpyrifoscharacter.pdf>.

6. Holland, N., Furlong, C., Bastaki, M., Richter, R., Bradman, A., Huen, K., Beckman, K., and Eskenazi, B. (2006). Paraoxonase polymorphisms, haplotypes, and enzyme activity in Latino mothers and newborns. *Environ. Health Perspect.* 114(7), 985-991; Chen, J., Kumar, M., Chan, W., Berkowitz, G., and Wetmur, J. (2003). Increased Influence of Genetic Variation on PON1 Activity in Neonates. *Environmental Health Perspective* 111, 11:1403-9.

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14. For additional information on the Endocrine Disruptor Screening program see <http://www.epa.gov/endo/>.

15. For information related to the status of EDSP test orders/DCIs, status of EDSP OSRI: order recipient submissions and EPA responses, and other EDSP assay information see <http://www.epa.gov/endo/pubs/toresources/index.htm>.

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(23) For additional information on EPA's Harmonized Test Guidelines and

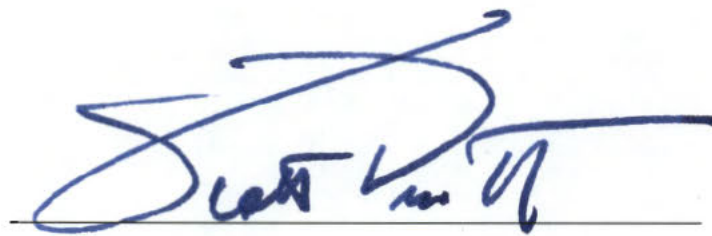
international efforts at harmonization, see

<http://www.epa.gov/opp00001/science/guidelines.htm>.

(24) Available at <http://www.regulations.gov> in docket EPA-HQ-OPP-2008-0850.

Authority: 7 U.S.C. 136 *et seq.* and 21 U.S.C. 346a.

Dated: 3/29/2017.

A handwritten signature in blue ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. Scott Pruitt,

Administrator.

Wed Mar 29 12:26:38 EDT 2017
Hope.Brian@epamail.epa.gov
Fw: (U) Memorandum from Dept. of State Executive Secretary Macmanus
To: CMS.OEX@epamail.epa.gov

DRF - AD response

From: Hartle, Keleigh M <HartleKM@state.gov>
Sent: Tuesday, March 28, 2017 7:30 PM
To: DOJExecSec@usdoj.gov; DOTExecSec@dot.gov; DHSExecSec@hq.dhs.gov; DOIExecSec@ios.doi.gov; DOCExecSec@doc.gov; EPAExecSec; es.central@hq.doe.gov
Subject: (U) Memorandum from Dept. of State Executive Secretary Macmanus

UNCLASSIFIED

Subject: Application for Presidential Permit by Enbridge Energy, L.P. to Construct, Connect, Operate, and Maintain Pipeline Facilities on the Border of the U.S. and Canada.



United States Department of State

Washington, D.C. 20520

UNCLASSIFIED

March 28, 2017

MEMORANDUM FOR:

MR. MICHAEL L. BRUHN
Executive Secretary
Office of the Secretary of Defense
Department of Defense

MS. DANA PAIGE
Director
Office of the Executive Secretariat
Department of Justice

MS. RUTH KNOUSE
Director
Executive Secretariat
Department of Transportation

MR. SCOTT KRAUSE
Executive Secretary
Department of Homeland Security

MS. JULIETTE LILLIE
Director
Office of the Executive Secretariat
and Regulatory Affairs
Department of the Interior

MR. RICK DUBICK
Acting Director
Executive Secretariat
Department of Commerce

MR. BRIAN HOPE
Acting Director
Office of the Executive Secretariat
Environmental Protection Agency

MS. SHENA BLAKE-KENNERLY
Acting Director
Office of the Executive Secretariat
Department of Energy

SUBJECT: (U) Application for a Presidential Permit by Enbridge Energy, L.P. to Construct, Connect, Operate, and Maintain Pipeline Facilities on the Border of the United States and Canada

(U) This letter is a request, under E.O. 13337, to provide your agency's views by June 26, 2017, with regard to an application by Enbridge Energy, L.P. (Enbridge) for a new Presidential permit to authorize construction, connection, operation, and maintenance of existing pipeline facilities at the U.S.-Canada border originally authorized under a Presidential permit issued to Enbridge on August 3, 2009 (2009 Permit).

(U) On November 20, 2012, Enbridge submitted an application to the Department of State (Department) for a new Presidential permit for its existing

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pipeline running from Canada into the United States (Line 67, formerly known as the Alberta Clipper Pipeline) that would replace the 2009 Permit and increase the authorized capacity of that pipeline at the border segment. Under the current Presidential permit, Enbridge is currently authorized to transport roughly 450,000 barrels per day (bpd) through Line 67 at the border segment. Enbridge is seeking authorization to transport up to Line 67's full operational capacity of roughly 890,000 bpd of crude oil. The U.S. portion of Line 67 consists of approximately 326.9 miles of 36-inch-diameter pipeline and associated facilities that cross the international border between the United States and Canada near Neche, North Dakota for delivery to an existing Enbridge terminal in Superior, Wisconsin. The border segment is from the international border between the United States and Canada to the first mainline shutoff valve within the United States located approximately three miles from the border.

(U) On February 10, 2017, the Department issued a Draft Supplemental Environmental Impact Statement (SEIS)¹ for the Line 67 Pipeline Expansion, which may be found at:
<https://www.state.gov/e/enr/applicant/applicants/environmentalreview/index.htm>. Notification of issuance of the Draft SEIS was published in the Federal Register on February 10, 2017 (82 FR 10428).

(U) The Department held a 45-day comment period for the public to provide their input and views on the Draft SEIS that ended on March 27, 2017. The Department is reviewing public comments received during the comment period. The comments were submitted electronically on Regulations.gov under Notification 82 FR 10428, in hard copy via postal mail, and during an open house via handwritten comments and transcribed oral commentary.

(U) E.O. 13337 directs the Secretary of State to refer the application and pertinent information to the heads of certain agencies to request their views, and authorizes the Secretary to consult with other interested federal and state officials as appropriate, before making a finding as to whether issuance of a permit to the applicant would serve the national interest.

(U) In accordance with E.O. 13337, we are now referring the Line 67 application to your agency for interagency review. The Department is seeking interagency comments as soon as possible but not to exceed 90 days from the date

¹ The Department prepared an Environmental Impact Statement to inform the Presidential Permit application review that it completed in 2009, prior to issuing the 2009 Permit. Notification of the Environmental Impact Statement was published in the Federal Register on June 8, 2009 (74 FR 27229).

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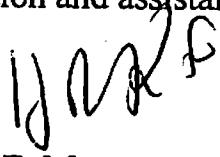
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of this memorandum (deadline of June 26, 2017), on any aspects of the application and whether issuance of the permit would serve the national interest. Earlier responses would, of course, be appreciated.

(U) Please mail or email your views on the application or permit as soon as possible to Mr. Marcus Lee, Department of State, Bureau of Energy Resources, ENR/EGA/PAPD, Room 4422, U.S. Department of State, Washington, D.C. 20520. Email to: LeeMD@state.gov. Telephone: 202-485-1522.

(U) Please note that Department of State standard mail delivery can be delayed due to security screening. Should you need any further information, please contact Mr. Lee.

(U) Thank you for your cooperation and assistance in this matter.


Joseph E. Macmanus
Executive Secretary

Attachments:

1. Presidential Permit Application for Line 67 Pipeline
2. 2009 Presidential Permit
3. E.O. 13337

CC: U.S. Department of Justice	Ms. Chau Tran
U.S. Department of Defense	Mr. Terry Bowers
U.S. Department of the Interior	Ms. Carol Braegelmann
U.S. Department of Commerce	Mr. James Schufreider
U.S. Department of Transportation	Ms. Colleen Vaughn
U.S. Department of Energy	Mr. Brian Costner
U.S. Department of Homeland Security	Ms. Jennifer Hass
U.S. Environmental Protection Agency	Mr. Robert Tomiak

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**BEFORE THE
UNITED STATES DEPARTMENT OF STATE**

**APPLICATION OF ENBRIDGE ENERGY, LIMITED PARTNERSHIP FOR AN
AMENDMENT TO THE AUGUST 3, 2009 PRESIDENTIAL PERMIT FOR LINE 67 TO
INCREASE THE OPERATIONAL CAPACITY OF PIPELINE FACILITIES AT THE
INTERNATIONAL BOUNDARY BETWEEN CANADA AND THE UNITED STATES**

Pursuant to Executive Order 11423, 33 Fed. Reg. 11741 (Aug. 16, 1968), as amended by Executive Order 13337, 69 Fed. Reg. 25229 (Apr. 30, 2004), Enbridge Energy, Limited Partnership ("Applicant" or "Enbridge") hereby submits this Application to the Department of State ("Department") for an amendment to the August 3, 2009 Presidential Permit ("2009 Permit") issued by the Department authorizing the construction, operation, and maintenance of the Line 67 Pipeline across the U.S.-Canada border.¹ The Amendment requested here seeks authorization for only an operational change to the Pipeline; no facilities or pipe will be constructed in the 3-mile near-border area subject to the Department's jurisdiction. Specifically, Enbridge seeks an amendment to operate the Line 67 Pipeline up to its full design capacity.² The operational change requested by this Application, hereafter referred to as the "Line 67 Project" or "Project", will allow Enbridge to maximize the delivery capabilities of Line 67 to meet the

¹ Line 67 was commonly identified at the time as the "Alberta Clipper" pipeline.

² As stated at page 2-4 of the Final Environmental Impact Statement ("FEIS") issued in connection with the 2009 Permit, the capacity of a liquids pipeline can be expressed in terms of design capacity and annual capacity. "Design capacity" is the theoretical flow rate of a pipeline for a specific type of liquid and is calculated assuming theoretically ideal operating conditions. In liquid petroleum pipelines, the design capacity is the maximum instantaneous throughput that a pipeline is capable of achieving under design conditions for a specific liquid. "Annual capacity" is the average sustainable throughput over a year and is calculated assuming average annual historical operating conditions, including scheduled and unscheduled maintenance, normal operating problems, and crude supply availability. The annual capacity of a pipeline is typically 90 percent of design capacity. The full design capacity, or the ultimate capacity, of a pipeline will vary based on the type of product transported. The full design capacity for Line 67 is 880,000 bpd of heavy crude oil, yielding an annual capacity of 800,000 bpd for heavy crude oil. See FEIS at 2-50.

rising demands for additional transportation capacity for crude oil from western Canada. Canadian government approvals will also be sought for a like increase in capacity for the portion of Line 67 from its northern terminus at Hardisty, Alberta to the U.S.-Canada border.

This Application and attachments contain all of the information required by the Department of State's guidelines for Presidential Permits set forth at "Applying for Presidential Permits for Border Crossing Facilities (Canada)," dated January 21, 2009, *available at* <http://www.state.gov/p/wha/rls/fs/2009/114990.htm>, with the exception of an environmental report ("ER"). That ER is currently being prepared by Enbridge's environmental consultant and will be submitted to the Department upon completion for use by the Department in fulfilling its obligations under the National Environmental Policy Act, 42 U.S.C. § 4321, *et seq.*, ("NEPA").

INTRODUCTION

The 2009 Permit authorized the construction, operation and maintenance of the 36-inch diameter Line 67 pipeline extending between the U.S.-Canada border near Neche, ND and the first U.S. mainline shut off valve or pumping station in the United States. *See* 2009 Permit, at pg. 1 (defining the "United States facilities" to which the Permit applies as "A 36-inch-diameter pipeline extending from the United States-Canada border near Neches (sic), North Dakota, up to and including the first mainline shut-off valve or pumping station in the United States."). That near-border segment of the Pipeline authorized by the 2009 Permit is only 3-miles long. Enbridge constructed the remainder of the Line 67 Pipeline in the United States to its southern terminus at Superior, Wisconsin, pursuant to other local, state and federal permits.

Enbridge completed construction and began operations of Line 67 in 2010. The Pipeline is in full operation, transporting approximately 450,000 bpd of crude oil from the Western Canadian Sedimentary Basin to downstream refinery markets in the Midwest and eastern U.S. and Canada, as well in the mid-central U.S. and U.S. Gulf Coast areas. As explained in more detail below in Section III, the Line 67 Project is designed to expand the through-put capacity of Line 67 up to its Full design capacity. This additional capacity is needed for shippers to meet the rising demand of U.S. and Canada refineries, which require access to additional secure and reliable supplies of crude oil from western Canada.

Enbridge is submitting this Application pursuant to the Department's direction that the 2009 Permit must be amended to authorize Enbridge to operate Line 67 at an annual capacity

above the 450,000 bpd that the Department analyzed in the FEIS completed in accordance with NEPA prior to issuance of the 2009 Permit. While pump stations will be expanded to accomplish the capacity expansion (as discussed further below), no physical changes to the Line 67 Pipeline itself will occur as a result of the Project. Thus, the same 36-inch diameter pipeline authorized by the Permit will remain in use. Further, the Line 67 Project contemplates neither physical changes or additions to the 3-mile segment of the Pipeline between the U.S.-Canada border and the first mainline shut-off valve, nor the addition of any pipeline-related facilities in that near-border area. Accordingly, the "United States facilities" to which the 2009 Permit applies by its terms will not be affected by the Project. Rather, Enbridge only seeks authorization from the Department to operate the existing physical pipeline facilities at an increased annual capacity.

In the United States, the Line 67 Project will require an expansion of certain existing pump stations, all of which are located in Minnesota. The minimal construction required at or proximate to these pump stations is described in further detail in Section III.

In Section IV of this Application, Enbridge will demonstrate that the Line 67 Project meets the National Interest test for granting an amended Presidential Permit. Specifically, the expansion of the Pipeline's capacity will serve the national interest for the same or similar reasons stated in the Department's August 3, 2009 Record of Decision/National Interest Determination ("ROD/NID") issued for the original Line 67 Project. The increased capacity will help to meet North America's need for reliable and secure transportation of crude oil supplies from growing production regions in western Canada and help to address tightening capacity on the Enbridge pipeline system.

Timely authorization of this Application is needed in order for Enbridge to increase Line 67's capacity level to 570,000 bpd by mid-2014 and to its full design capacity by mid-2015. The approval timeline is on a critical path in order for Enbridge to meet the rising transportation requirements of its customers for additional pipeline capacity and access to refinery markets.

I. COMMUNICATIONS

Any communications with respect to this Application should be directed to:

Name: David H. Coburn
Address: Steptoe & Johnson LLP
1330 Connecticut Ave., NW
Washington, DC 20036
Phone: (202) 429-8063
Fax: (202) 429-3902
Email: dcoburn@steptoe.com

II. BACKGROUND

A. The Applicant

The Applicant is Enbridge Energy, Limited Partnership ("Enbridge"), a limited partnership duly organized under the laws of the State of Delaware.³ Enbridge owns and operates the "Lakehead System," the U.S. portion of an operationally integrated pipeline system which connects producers and shippers of crude petroleum and natural gas liquids in western Canada with markets in the United States and eastern Canada. The Lakehead System spans approximately 1,900 miles from the international border near Natchez, North Dakota to the international border near Marysville, Michigan, with an extension from facilities in Canada across the Niagara River into the Buffalo, New York area. The Lakehead System's facilities include underground pipe ranging from twelve (12) to forty-eight (48) inches in outer diameter. From Marysville, affiliated pipelines continue into the Canadian Provinces of Ontario and Quebec.

Enbridge is a wholly owned subsidiary of Enbridge Energy Partners, L.P. ("Enbridge Partners"), which is a Delaware master limited partnership headquartered at 1100 Louisiana, Suite 3300, Houston, Texas 77002 (ph. 713-821-2000; www.enbridgepartners.com). Enbridge Partners provides pipeline transportation of petroleum and natural gas in the Mid-Continent and Gulf Coast regions of the United States, in addition to gathering, processing, and other related operations. Its two primary business segments are Liquids Pipelines and Natural Gas

³ Enbridge Energy, Limited Partnership was formerly known as Lakehead Pipe Line, Limited Partnership.

Transportation. The Liquids Pipelines segment involves the transportation by pipeline of crude petroleum and natural gas liquids via three main interstate pipeline systems (Lakehead, North Dakota and Ozark Systems). The Natural Gas Transportation business segment involves the interstate and intrastate transportation by pipeline of natural gas as well as related gathering, midstream, and marketing operations.

Enbridge Partners is a publicly held limited partnership; the Class A Common Units of Enbridge Partners trade on the New York Stock Exchange under the symbol "EEP" as regularly traded instruments and are available to the investing public through regular retail brokerage services. The majority ownership of Enbridge Partners is held by approximately 68,000 Class A unit holders. Enbridge Energy Management, L.L.C., ("Enbridge Management") is a limited liability company that trades on the NYSE using ticker symbol "EEQ," and was formed to manage and control the business and affairs of Enbridge Partners. Enbridge Energy Company, Inc. ("Enbridge Energy Company") is the general partner of Enbridge Partners and holds an approximate 22 percent (22%) interest in the Partnership. Enbridge Inc., a Canadian company, which has its head office in Calgary, Canada, and trades on the TSX and NYSE using ticker symbol "ENB," owns Enbridge Energy Company.

Enbridge Pipelines Inc., a subsidiary of Enbridge Inc., owns and operates the Canadian portion of Enbridge's pipeline system located in Canada that interconnects and delivers into the United States into the Lakehead System. Together, these two systems are referred to as the "Enbridge Mainline System."

B. Line 67

Line 67 is a 36-inch pipeline that transports crude oil from Enbridge's facilities in Hardisty, Alberta to an Enbridge terminal in Superior, Wisconsin ("Superior Terminal"). In the United States, Line 67 extends 326.9 miles from the U.S.-Canada border near Natchez, North Dakota through North Dakota, Minnesota and Wisconsin to the Superior Terminal. From there, the crude is transported primarily to Midwestern markets and mid-central and Gulf Coast markets, as well as points in the Eastern United States and Canada. The U.S. portion of Line 67 facilities consist of a total of 32 mainline valves with current pumping units located at stations in Clearbrook (also a terminal location), Viking, and Deer River, Minnesota.

The 2009 Presidential Permit that authorized the construction, operation and maintenance of Line 67 between the U.S.-Canada border to the first mainline shut-off valve in the United

States, was issued following the Department's issuance of a FEIS on June 5, 2009. Consistent with NEPA, that FEIS assessed the potential impacts to surrounding resources resulting from construction, operation and maintenance of Line 67 and associated facilities. The Department issued a ROD/NID on August 3, 2009, concluding that the "preferred alternative would have limited adverse impact to the environment" and that the project "would serve the national interest, in a time of considerable political tension in other major oil producing regions and countries, by providing additional access to a proximate stable, secure supply of crude oil with minimum transportation requirements from a reliable ally and trading partner of the United States." ROD/NID, at 2-3.

The U.S. portion of Line 67 is an interstate common carrier liquids pipeline subject to regulation by the Federal Energy Regulatory Commission ("FERC") under the Interstate Commerce Act ("ICA"). Common carrier pipelines in interstate commerce provide service to any qualified shipper who requests transportation services, provided that products tendered for transportation satisfy the conditions and specifications contained in the applicable tariff. As a common carrier, Enbridge does not own the oil transported on Line 67 and does not control the final shipping destination. The ICA requires Enbridge to maintain tariffs on file with the FERC that set forth the rates charged for providing transportation services on its interstate common-carrier pipelines, as well as Enbridge's rules and regulations governing these services.

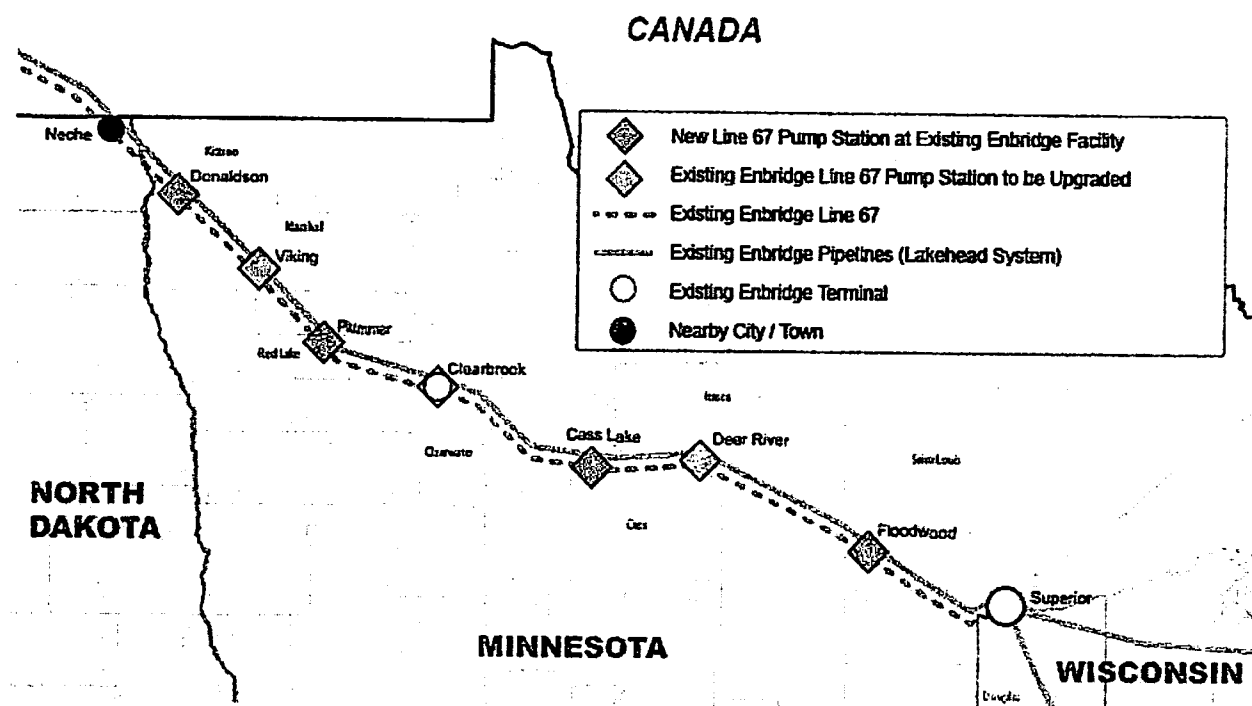
III. DESCRIPTION OF RELEVANT FACILITIES

As noted by the Department in the FEIS prepared prior to issuance of the 2009 Permit, the increase in capacity of Line 67 to its full design capacity will require the addition of new pumps and/or other upgrades at seven stations in Minnesota. Three of these (Viking, Clearbrook and Deer River) are currently Line 67 pump stations, while four other sites are currently pump stations for other Enbridge liquids pipelines proximate to Line 67. (See Figure No. 1). No additional pipeline or installation of new mainline valves outside these expanded station facilities, and no expansion of the existing Line 67 right-of-way, will be required. As stated in FEIS, at pg. 2-50, the "increase in capacity to 800,000 bpd [the annual capacity based on a full design capacity of 880,000 bpd for heavy crude] would not require any modifications to the [Line 67] pipeline itself."

Additionally, no facilities will be upgraded or added, nor will there be any construction of any kind, in the portion of Line 67 that falls under the Department's jurisdiction as defined in the 2009 Permit, *i.e.*, that section of the pipeline between the U.S.-Canada border and the first U.S. mainline valve. Rather, the only impacts in that jurisdictional section of the pipeline will be *operational* impacts in the form of a greater flow of oil through the Pipeline. The Permit amendment that is the subject of this Application relates solely to this operational change at the U.S. Facilities defined in the Permit.

A description of activities required to be undertaken to increase the capacity of Line 67 is provided below.

Figure No. 1: Project Overview Map



The initial phase of expansion is intended to relieve the bottleneck of pipeline capacity that shippers are currently experiencing on the Enbridge Mainline System and meet the near term capacity that has been requested by shippers by mid-2014. Through this phase of expansion, Enbridge proposes to optimize its existing pipeline system by installing additional pumping horsepower at three existing Line 67 pump station sites. These upgrades will enable Enbridge to

transport an incremental 120,000 bpd of crude petroleum from Hardisty to the Superior Terminal for further shipment to refineries.

Subject to the completion of permitting, this initial phase of Line 67 expansion up to an average annual capacity of 570,000 bpd is anticipated to be operational by July 1, 2014. All station expansions will be constructed on lands already owned by Enbridge at Line 67's existing pump station sites. Specifically, Enbridge will expand its Viking, Clearbrook, and Deer River stations in Minnesota. Outside of station piping that will need to be installed at these pump stations, no new pipeline will be installed in the Line 67 right-of-way.⁴

Approval to expand these three pump stations is being sought from the Minnesota Public Utilities Commission ("MPUC"), which currently has pending before it an Enbridge application for a Certificate of Need to upgrade certain pump stations so as to expand the capacity of Line 67 to an annual average annual capacity of 570,000 bpd (Docket PL-9/CN-12-590). That capacity expansion is proposed for completion in mid-2014. Additional approvals or consultations will be sought from, or undertaken with, other regulatory agencies with authority over construction at such pumping facilities, as further described in Section IX below.

To attain the full design capacity of Line 67 will require the installation of new pump stations and associated station piping, including valves and appurtenances, at four existing Enbridge facilities located at Donaldson, Plummer, Cass Lake, and Floodwood, Minnesota. These facilities currently serve Enbridge Lakehead system pipelines that are located within the same corridor as Line 67, but the facilities do not currently serve Line 67. The enhanced pumping at these stations would have no impact on any other Enbridge pipeline; the alterations described here would apply to Line 67 only.⁵

⁴ At each of these stations, one (in the case of Viking) or two (in the case of the other two stations) additional pumps will be required, including new pumping unit piping and station valves. Associated civil, structural, electrical, instrumentation, controls, communications, and SCADA systems modifications also may be required at each site as a result of the new pumping unit addition. Modifications may also be required to occur to the existing pump building at each site to accommodate the new pump or pumps. Some additional site development, including berms, containment, fencing and grading may also be required, all within the existing respective footprints of each station.

⁵ Specifically, the existing Donaldson, Plummer station, Cass Lake and Floodwood stations may each require the installation of new pumps and new motors dedicated to serve Line 67. Each station will also require the installation of a pressure control valve, the construction of an electrical substation, sonic flow meters for leak detection, and a station bypass check valve. New

In addition to the modifications that will be needed at these four stations to increase capacity beyond 570,000 bpd up to Line 67's full design capacity, further modifications may also be required at the Line 67 pump stations at Viking, Clearbrook, and Deer River. These modifications may require impeller replacements and volute inserts on pumps at each of the stations. As with the previously described modifications of these stations, no new land will be required for such modifications, and no construction will occur outside of the footprint at each station site.

Enbridge intends to file an additional application with the MPUC in early 2013 seeking a Certificate of Need for the facility changes described above required to attain the full design capacity of Line 67. It is anticipated that approval of that application could be granted in sufficient time so that the capacity increase can be accomplished by mid-2015.

C. Superior Terminal Expansion

Although outside the scope of its existing Permit and outside the purview of this Application, Enbridge notes that it will be undertaking an expansion at its Superior Terminal. Specifically, Enbridge plans to add two above-ground tanks which will be used for breakout and batching management of oil received from the capacity-enhanced Line 67, as well as for oil received via other pipelines within Enbridge's Lakehead System.

Expansion of the Superior Terminal will require the construction of two (2) 504,000 barrel working volume external floating roof above-ground tanks. Two (2) 48-inch tank lines per tank to manifold 225 will also be required, as will five (5) 36-inch lateral lines between manifolds 223 and 225. An above-grade pipe rack will also be necessary, as will associated valves and piping at manifolds 223 and 225.

The Superior Terminal expansion is being undertaken in part for reasons unrelated to the Project. Thus, the Terminal expansion is being undertaken to also accommodate increased volumes and required break-out tank and batch management for crude oil transported via other

buildings at each of the stations will be constructed to house the pumps, motors, and electrical substation. Associated civil, structural, electrical, instrumentation, controls, communications, and SCADA systems modifications will also be required as a result of the new units. Enbridge will acquire additional properties as may be needed to accommodate the changes to be made at the Donaldson, Plummer, Cass Lake and Floodwood stations.

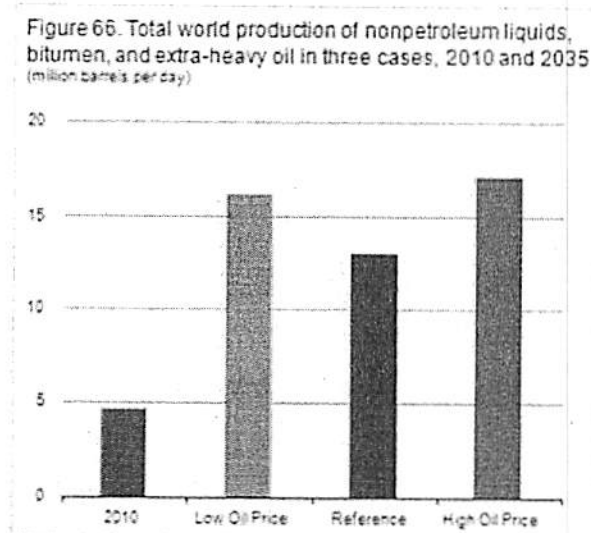
pipelines delivering into and extending out of the Superior Terminal. The August 2009 Permit does not address the Superior Terminal and Enbridge is not asking that the amended permit for which it is applying here address that Terminal.

IV. THE AMENDED PERMIT WOULD SERVE THE NATIONAL INTEREST

Enbridge submits that amendment of the 2009 Permit as sought here will serve the national interest for the reasons stated in the Department's August 2009 ROD/NID underlying the 2009 Permit. The Department determined in that document that the addition of crude oil pipeline capacity resulting from construction, operation and maintenance of Line 67 would serve "the strategic interest of the United States for the following reasons": (1) "it increases the diversity of available supplies among the United States' worldwide crude oil sources in a time of considerable political tension in other major oil producing countries and regions;" (2) "It shortens the transportation pathway for a sizeable portion of United States crude oil imports;" (3) "It increases crude oil supplies from a major non-Organization of Petroleum Exporting Country producer which is a stable and reliable ally and trading partner of the United States;" (4) "the United States and Canada, through bilateral diplomacy and a Clean Energy Dialogue process that is now underway, are working across our respective energy sectors to cooperate on best practices and technology ... so as to lower the overall environmental footprint of our energy sectors;" (5) "Approval ... will also send a positive economic signal, in a difficult economic period, about the future reliability and availability of a portion of United States' energy imports;" (6) "It provides additional supplies of crude oil to make up for the continued decline in imports from several other major U.S. suppliers;" and (7) the project "would result in limited adverse environmental impacts." ROD/NID, at 25-26.

The Line 67 Project will allow the Pipeline to continue to serve the national interest for the same or similar reasons. Authorizing the increased capacity requested here will help to meet the growing demands of Enbridge's shippers, many of which are U.S. refiners. While domestic supplies are growing, these refiners will still depend for the foreseeable future on reliable pipeline transportation of crude oil imported from western Canada.

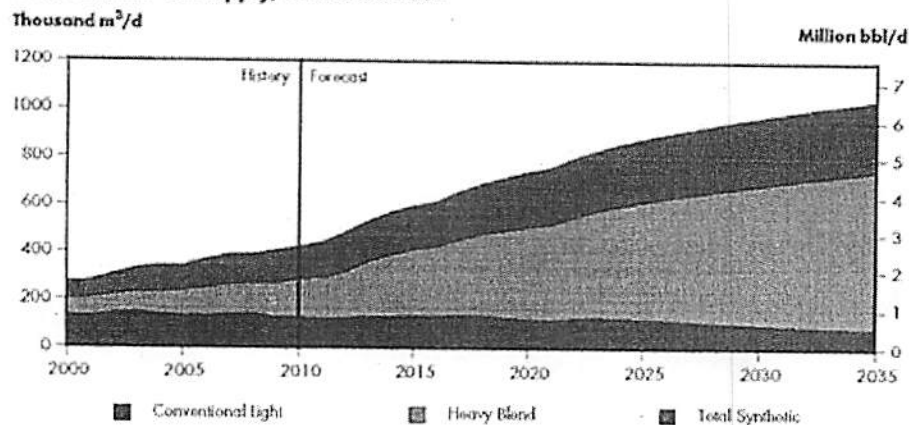
The Energy Information Administration's Annual Energy Outlook 2012 forecast for world production anticipates the continued growth of heavy crude oil, such as production from Canada's oil sands region.



The International Energy Agency's executive summary of its November 2012, World Energy Outlook ("WEO 2012") reinforces this forecast, concluding that the combination of U.S. production, with increases largely from unconventional shale, along with supply from Canada's oil sands region, will move North America to become a net oil exporter around 2030. (WEO2012 Executive Summary). The forecasted increase in North American supply will help ensure that there is an adequate supply of oil for U.S. refiners from nearby and stable sources, while reducing dependence on oil from less stable nations.

After accounting for changes in Canadian crude oil consumption, the net crude oil supply available for export into the United States has increased by approximately 960,000 bpd in the last ten years. The figure below provides both the historical supply data and the most recent long-term forecast released by the National Energy Board ("NEB") of Canada. The forecast is contained in the November 2011 report, *Canada's Energy Future: Energy Supply and Demand Projections to 2035*. As shown by the figure, it is forecasted that Western Canadian crude oil supply will increase by another 1.9 million bpd by 2020. The forecast volumes found in the NEB report are similar to those provided in forecasts performed by the Canadian Association of Petroleum Producers ("CAPP") and Enbridge itself.

Net Available Oil Supply, Reference Case



Downstream refinery markets in the Midwest, Gulf Coast and other portions of the U.S. and eastern Canada not only continue to require additional access to secure and reliable North American produced crude oil supplies to meet their feedstock requirements, but are concurrently reducing reliance on imports from less-stable foreign nations outside North America. According to a recent report, “[i]n 2011, Canada exported over 2.2 million b/d to the U.S., which was 12 per cent more than in 2010 and was equivalent to almost 25 per cent of total U.S. imports. Of these volumes, 2.0 million b/d was sourced from western Canada. The next largest sources of imports to the U.S. were Saudi Arabia, Mexico and Venezuela. Western Canadian production could continue to capture an even larger share of U.S. imports as it replaces volumes currently supplied by these countries. A number of factors in the near term are expected to reduce supplies available to the U.S. from these sources. These include: declining production, increased domestic consumption and the diversion of supplies to Asia.” Canadian Association of Petroleum Producers, *Crude Oil Forecast, Markets & Pipelines*, at pg. 13 (June 2012), available at <http://www.capp.ca/forecast/Pages/default.aspx>. See also the November 29, 2011 EIA Report entitled, “Crude Oil and Total Petroleum Imports Top 15 Nations,” available at http://www.eia.gov/pub/oil_gas/petroleum/data_publications/company_level_imports/current/import.html (showing increasing U.S. imports from Canada and the decreasing volume of U.S. imports from many other oil exporting nations).

Shippers continue to request additional near- and long-term capacity on Line 67 to transport heavy crude from growing production regions in western Canada, which have become

one of the most prolific sources of crude oil in the Western Hemisphere. However, the pipelines which comprise the common carrier Enbridge Mainline System are at or near their capacity. To address this issue, Enbridge has been working diligently with its shipper customers and with industry consultants. It has determined that the increased supply of crude oil afforded by the Line 67 Project offers a very efficient means of adding to the transportation capacity needed to tap the portion of this growing supply from western Canada. A substantial increase in Line 67 capacity above the current 450,000 bpd can be provided in a prudent, cost-effective manner by adjustments made at existing facilities and within the current right-of-way, and thus without any significant adverse environmental impacts.

The Line 67 Project is thus an essential element in Enbridge's plans to meet shipper needs through capacity increases. The destination refinery markets for the incremental Line 67 supply of heavy crude oil are already equipped to process heavy crude. Accordingly, no refinery upgrades and/or expansions are being undertaken in connection with the expansion of capacity afforded by the Line 67 Project.

While the primary purpose and benefit of this Project is to meet increased transportation capacity demand by ensuring refinery access to secure and reliable crude oil to use as raw feedstock, there are also secondary benefits associated with the Line 67 Project. By helping to meet the needs of the U.S. consuming public for secure and reliable crude oil supplies, the Line 67 Project will have a positive economic impact in the United States, and contribute to tax revenues. It will also result in job creation and a ramp-up in the purchase of goods and services during construction periods. Using the Regional Input-Output Modeling System (<http://www.bea.gov/regional/rims/>), Enbridge estimates that approximately 600 person-years of jobs will be created during the period that upgrades are completed for the initial planned capacity increase to 570,000 bpd, while approximately 2,400 person-years of jobs will be created for the expansion up to the full design capacity. More than half of these workers will typically be from Minnesota and surrounding states, depending on the availability of local skilled workers.

The total economic benefit for the entire Project is estimated to be approximately \$450 million, which includes the multiplier impact of new job creation, additional taxes and other economic benefits. Unemployment in the area would be temporarily reduced and payroll taxes would temporarily rise during Project construction. Local businesses, specifically in the communities near the Enbridge stations where work is focused, would also benefit from the

temporary demand for goods and services generated by the workforce's need for food, lodging, and supplies. Enbridge expects to purchase some of the materials necessary for construction of the Project locally, including consumables, fuel, equipment, and miscellaneous construction-related materials. In addition, Enbridge plans to procure major engineered equipment, such as pumps, from U.S. manufacturers.

Further, based on the anticipated total cost of the Line 67 Project and current ad valorem tax schedules, Enbridge estimates it could pay as much as \$2.85 million in additional annual property taxes in Minnesota, subject to assessments by local government units. Additional discussion of positive job and tax benefits will be provided in Enbridge's forthcoming ER.

V. OPERATIONAL SAFETY

As an interstate crude petroleum pipeline, Enbridge's design, maintenance, operation, and emergency preparedness functions for Line 67 are regulated by the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation ("PHMSA") under 49 C.F.R. Parts 194 and 195, and other applicable federal pipeline rules, as well as relevant state laws. Enbridge will here summarize some key elements relating to the safety of its Line 67 operations and maintenance. Additional detail regarding the operation and maintenance of the Project will be provided in Enbridge's forthcoming ER.

i. Control Operations

Line 67 is currently controlled through the Enbridge Pipeline Control Center, located in Edmonton, Canada. This is a new control center that was opened in December 2011, which allows for greater interaction and support between operators for the continuously monitored system and meets the new control center operational rules issued in recent years by PHMSA.⁶

The Control Center is manned by pipeline operators 24 hours-a-day. A computerized pipeline control system allows the operators to remotely monitor and control the pipeline and related facilities. The Control Center also serves as an emergency center to receive calls from employees, the public and public officials reporting unusual conditions or suspected pipeline failures. The computerized pipeline control system has been designed and continually upgraded and enhanced to monitor and control the pipeline within pre-established minimum and maximum

⁶ While located in Canada, the control center is subject to PHMSA regulation.

operating pressures. Both the computer system and operating practices include procedures for abnormal operating conditions, including emergency shutdown and isolation of the pipeline and notification procedures in the event of suspected emergencies.

Recent enhancements have been made to Enbridge's Pipeline Control and Control Center Operations (CCO), as follows:

- During 2011 and 2012, Enbridge implemented a Control Room Management (CRM) plan based on the new regulations in 49 C.F.R. Part 195.
- Revised and enhanced all procedures pertaining to decision making, handling pipeline startups and shutdowns, leak detection system alarms, communication protocols, and suspected abnormal operations.
- Enhanced the organizational structures to better support our operators and to manage span of control and workloads.
- Augmented CCO staff, adding training, technical support, engineering and operator positions.

Enbridge also established a Pipeline Control Systems and Leak Detection department, doubling the number of employees and contractors over the last two years dedicated to leak detection and pipeline control, including:

- Enhanced procedures for leak detection analysis.
- Implemented a Leak Detection Instrumentation Improvement Program to add and upgrade instrumentation across its system.

ii. Inspection

Enbridge conducts routine inspections of Line 67 and its facilities, including the facilities that will be upgraded as part of the Project, to ensure that the system is operating properly and in compliance with relevant safety regulations, including those at 49 C.F.R. Part 195. The Line 67 and station cathodic protection systems currently in place will be modified as required at station sites for the additional facilities described above. The pipeline system is also regularly inspected by aerial patrol.

Enbridge periodically inspects the station components of its pipeline system, in accordance with the standards of 49 C.F.R. Part 195, including the integrity management of pipelines and facilities in high consequence areas. All overpressure safety devices capable of

limiting, regulating, controlling, and/or relieving operating pressures are inspected annually and tested to ensure the device is in good mechanical condition and functioning properly.

iii. Maintenance

Many other maintenance activities are performed on Line 67 as discussed during the environmental review and permitting process when Line 67 was initially constructed. Such maintenance activities will be applied to the facilities that will be installed as described above. Enbridge's Operating and Maintenance Procedures meet and, in many cases exceed, federal safety standards set forth in 49 C.F.R. Part 195.

iv. Emergency Preparedness

Enbridge's emergency response program has been prepared in compliance with PHMSA rules under 49 C.F.R. Part 194 and will be updated as necessary to reflect the additional volumes of crude oil that will be transported following completion of this Project. The Emergency Response Plan has been reviewed and approved by PHMSA and includes pre-planning, equipment staging, emergency notifications, and emergency and leak containment procedures.

Enbridge has also developed a cross-business unit response team for large-scale events requiring more resources than a single region can provide and created a dedicated Emergency Response group in Operation Services for increased regional support. Enbridge is enhancing equipment, training, and overall response capabilities consistently as improved technologies become available to support worst case incidents within its pipeline systems. Enbridge has also expanded its emergency and public official awareness program and is in the process of launching an emergency first responder on-line training module, expected to be operational and available to all local and state responders by early 2013.

v. Hydrostatic Testing

All new pressurized piping and components required to be installed as part of the Project will be factory tested, rated and, as required, field pressure tested in accordance with federal pipeline safety regulations and nationally recognized technical codes and standards. The hydrostatic test water discharges will be for the new piping, valves and other components at the stations. Line 67 was constructed and hydrostatically tested for full design capacity and

additional hydrostatic tests of the existing line are not required to establish the regulatory compliance maximum allowable operating pressures needed to achieve the proposed capacity. The pressure testing process at Minnesota stations will be implemented in accordance with Enbridge's Environmental Management Plan and permits issued by the appropriate regulatory agencies.

VI. FINANCING

Enbridge estimates that the cost of the expansion outside of the relevant 3-mile area will be approximately \$199.2 million. Enbridge estimates that the cost of the facility upgrades to increase operating capacity from 450,000 to 570,000 bpd will be approximately \$39.9 million. The cost for the station upgrades to increase operating capacity up to the full design capacity will be approximately \$159.3 million. Consistent with its existing financing program, Enbridge Partners intends to finance the Project with 50% equity and 50% debt. There will be no facilities or costs in the relevant 3-mile area.

VII. ENVIRONMENTAL

An ER which discusses the human and environmental impacts of the Project proposed here is being undertaken by Enbridge with the support of resources and expertise of its environmental consultant, the Natural Resource Group ("NRG"). An ER prepared in support of this Application will be provided to the Department in the coming weeks. Applicant is aware of the Department's obligation to comply with NEPA.

VIII. OTHER U.S. APPROVALS

The table below identifies a preliminary list of U.S. permits, licenses, approvals and/or consultation requirements Applicant will be seeking for the Project.

Federal/State Agency/Department	Approval Needed
U.S. Army Corps of Engineers	Construction of facilities in or near wetlands may require approval from the Corps.
U.S. Fish and Wildlife Service	The agency will need to be consulted by the Department under Section 7 of the Endangered Species Act regarding potential habitat or species impacts posed by the construction of the

	facilities.
U.S. Environmental Protection Agency	The EPA will review storm water and hydrostatic test discharges at the Cass Lake Station, due to the station being within Leech Lake Band of Ojibwe reservation boundaries.
State Historic Preservation Officers (SHPO)	SHPOs in Minnesota will need to be consulted regarding any historical or cultural resources that may be impacted by the construction of any facilities.
Minnesota Public Utilities Commission (MPUC)	The MPUC will be required to issue a certificate of need for the expanded pump stations.
Minnesota Department of Natural Resources	The state agency will be required to issue water appropriation permit for trench dewatering, and must also be consulted regarding species that may be impacted by the Project.
Minnesota Pollution Control Agency (MPCA)	The MPCA will be required to grant approval for Enbridge to utilize the NPDES construction stormwater general permit. The MPCA will also be responsible for issuing a Section 401 water quality certification.

On October 8, 2012, Enbridge submitted an application to the MPUC to increase capacity of Line 67 up to 570,000 bpd. *See* MPUC Docket No. PL-9/CN-12-590. Final action on that application is expected by September 2013. As noted above, Enbridge intends to submit another application to the MPUC seeking authority to further increase the capacity of Line 67.

Additional details regarding each of the permits, approvals and consultations, as well as Enbridge's relevant permitting actions will be further described in the forthcoming ER.

IX. CANADIAN APPROVALS

The Project will require that Enbridge obtain various Canadian approvals for the addition of horsepower sufficient to allow capacity expansion of Line 67 up to 570,000 bpd, and the further addition of horsepower to allow for expansion to the full design capacity. On October 12, 2012, Enbridge submitted an application for the initial expansion to the National Energy Board ("NEB") under the agency's Section 58 process for the facilities required in Canada requesting an authorization allowing Enbridge to construct and operate facilities necessary to increase the capacity of Line 67 to 570,000 bpd by mid-2014. That application remains pending. An environmental assessment will be completed as may be necessary by the Canadian Environmental Assessment Agency. The NEB also has an independent mandate to consider and

take into account potential socio-economic and environmental impacts of the Project under the provisions of the Canadian Environmental Assessment Act.

Other federal and provincial authorizations and permits will be required and it is also expected that development and building permits that may be required will be obtained from various municipalities in Canada. Any relevant additional detail regarding Canadian approvals will be provided in the forthcoming ER.

The Canadian portion of the Project will also be implemented in approximately the same time frames for capacity expansion as are described above. The Table below reflects the major permits that Enbridge will seek to secure from Canadian agencies for the portion of the Project in Canada. Additional permits, licenses and/or approvals may be necessary as pipeline design and planning progresses. Enbridge anticipates that the Canadian approvals required for the Line 67 Project will be granted.

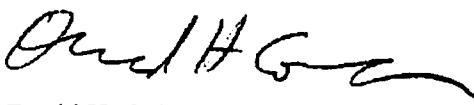
Preliminary List of Canadian Federal Regulatory Authorizations for the Line 67 Project

Name of Permit	Brief Description
National Energy Board Section 58 Exemption Order	Permits the construction and operation of applied-for facilities (new pumps and associated infrastructure within Enbridge facilities)
Municipal Development Permits	Permit local development
Municipal Building Permits	Ensure adherence to building code standards
Aquatic Habitat Protection Permits	Permits the permanent impact to adjacent wetlands required for expansion (Saskatchewan Ministry of Environment)
Water Rights Act and/or Water Protection Act Authorization	Permits the permanent impact to adjacent wetlands required for expansion (Government of Manitoba)
Historical Resources Screening / Clearance	Historical resources clearance in the provinces of Manitoba and Saskatchewan
Private Land Checklist	Saskatchewan Ministry of Environment
Code of Practice for the Temporary Diversion of Water for Hydrostatic Testing of Pipelines	Facility hydro testing notification (Alberta Environment Sustainable Resource Development). Water Act.

X. CONCLUSION

For all the reasons stated above, the Applicant submits that the expansion of Line 67 capacity is in the national interest of the United States. Therefore, Applicant respectfully requests that the Department issue an amendment to the August 2009 Presidential Permit to allow Enbridge to operate Line 67 up to its full design capacity in the 3-mile area of the pipeline subject to Department jurisdiction.

Respectfully submitted,



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Attorneys for Enbridge Energy, Limited Partnership

November 20, 2012



United States Department of State

Washington, D.C. 20520

PERMIT

AUTHORIZING ENBRIDGE ENERGY, LIMITED PARTNERSHIP ("ENBRIDGE") TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN PIPELINE FACILITIES AT THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND CANADA

By virtue of the authority vested in me as Deputy Secretary of State under Executive Order 13337, 69 Fed. Reg. 25299 (2004), as amended, and Department of State Delegation of Authority Number 245-1 of February 13, 2009; having considered the environmental effects of the proposed action consistent with the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 – 4370f), Section 7 of the Endangered Species Act (16 U.S.C. 1536), and other statutes related to environmental concerns; having considered the proposed action consistent with Section 106 of the National Historic Preservation Act (16 U.S.C. §§ 470f); and having requested and received views of members of the public, various federal and state agencies and various Indian tribes; I hereby grant permission, subject to the conditions herein set forth, to Enbridge Energy, Limited Partnership (hereinafter referred to as the "permittee" or "Enbridge"), a wholly owned subsidiary of Enbridge Energy Partners, LP which is a Delaware master limited partnership, to construct, connect, operate, and maintain pipeline facilities at the border of the United States and Canada at Neches, North Dakota, for the transport of crude oil and other hydrocarbons between the United States and Canada.

The term "facilities" as used in this permit means the relevant portion of the pipeline and any land, structures, installations or equipment appurtenant thereto.

The term "United States facilities" as used in this permit means those parts of the facilities located in the United States.

As stated in permittee's application of May 15, 2007, as amended, the United States facilities will consist of the following major component:

A 36-inch-diameter pipeline extending from the United States – Canada border near Neches, North Dakota, up to and including the first mainline shut-off valve or pumping station in the United States.

The permittee shall maintain such metering facilities as are required by the Commissioner of Customs, provided with an adequate proving system, to be installed and operated in accordance with American Petroleum Institute Code No. 1101, and a suitable sampling device; the installation and operation of said meter, proving system, and sampling device shall be subject to approval of the Commissioner of Customs. The conditions and times of meter reading, meter proving, and sampling shall be as directed by the Commissioner of Customs.

This permit is subject to the following conditions:

Article 1. The United States facilities and operations herein described shall be subject to all the conditions, provisions, and requirements of this permit and of the Record of Decision and National Interest Determination dated August 3, 2009, and any amendment thereof; further, that this permit may be terminated at the will of the Secretary of State of the United States or the Secretary's delegate or may be amended by the Secretary of State of the United States or the Secretary's delegate at will or upon proper application therefore; further, that the permittee shall make no substantial change in the location of the United States facilities in the immediate vicinity of the international boundary line or in the operations authorized by this permit until such changes have been approved by the Secretary of State of the United States or the Secretary's delegate.

Article 2. The construction, operation, and maintenance of the facilities shall be in all material respects as described in permittee's application for a Presidential permit under Executive Order 13337, filed on May 15, 2007 (the "Application"), as amended, and in accordance with the construction, mitigation, and reclamation measures agreed to by Enbridge in the Environmental Mitigation Plan (EMP) and other mitigation and control plans found in the Final Environmental Impact Statement (FEIS), all of which are appended to and made part of this permit.

Article 3. The standards for, and the manner of, construction, connection, operation, and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of any Federal or State agency concerned. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said facilities in the performance of their official duties.

Article 4. The permittee shall comply with all applicable Federal and State laws and regulations regarding the construction, connection, operation, and maintenance of the United States facilities and with all applicable industrial codes. The permittee shall obtain requisite permits from Canadian authorities, as

well as the relevant state and local governmental entities, and relevant federal agencies.

Article 5. Upon the termination, revocation, or surrender of this permit, and unless otherwise agreed by the Secretary of State or the Secretary's delegate, the United States facilities in the immediate vicinity of the international boundary line shall be removed by, and at the expense of, the permittee within such time as the Secretary of State of the United States or the Secretary's delegate may specify, and upon failure of the permittee to remove, or to take such other appropriate action with respect to, this portion of the United States facilities as ordered, the Secretary of State or the Secretary's delegate may direct that possession of such facilities be taken and that they be removed or other appropriate action taken, at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession, removal, or other action.

Article 6. If, in the future, it should appear to the Secretaries of Defense or Homeland Security (or either Secretary's delegate) or the United States Coast Guard that any facilities or operations permitted hereunder cause unreasonable obstructions to the free navigation of any of the navigable waters of the United States, the permittee may be required, upon notice from the Secretary of Defense or the Secretary of Homeland Security (or either Secretary's delegate) or the United States Coast Guard, to remove or alter such of the facilities as are owned by it so as to render navigation through such waters free and unobstructed.

Article 7. This permit is subject to the limitations, terms, and conditions contained in any orders or regulations issued by any competent agency of the United States Government with respect to the United States facilities. This permit shall continue in force and effect only so long as the permittee shall continue the operations hereby authorized in accordance with such limitations, terms, and conditions.

Article 8. When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given to the permittee by the Secretary of State of the United States or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions,

and the cost of restoring said facilities to as good conditions as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

Article 9. In the event of transfer of ownership or control of the United States facilities or any part thereof, this permit shall continue in effect temporarily for a reasonable time pending submission of a proper application by the transferee for a new and permanent permit, provided that notice of such transfer is given promptly in writing to the Department of State accompanied by a statement by the transferee under oath that the United States facilities and the operations and maintenance thereof authorized by this permit will remain substantially the same as before the transfer pending issuance to the transferee of a new and permanent permit.

Article 10. (1) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation, and in compliance with prevailing environmental standards and regulations.

(2) The permittee shall save harmless and indemnify the United States from any and all claims or adjudged liability arising out of the construction, connection, operation, or maintenance of the facilities, including but not limited to environmental contamination from the release or threatened release or discharge of hazardous substances and hazardous waste.

Article 11. The permittee shall acquire such right-of-way grants, easements, permits, and other authorizations as may become necessary and appropriate.

Article 12. The permittee shall file with the appropriate agencies of the Government of the United States such statements or reports under oath with respect to the United States facilities, and/or permittee's activities and operations in connection therewith, as are now or as may hereafter be required under any laws or regulations of the Government of the United States or its agencies.

Article 13. The permittee shall take all appropriate measures to prevent or mitigate adverse environmental impacts or disruption of historic properties in connection with the construction, operation, and maintenance of the United States facilities. Such measures will include the construction, mitigation, and reclamation measures agreed to by Enbridge in the Environmental Mitigation Plan (EMP) and other mitigation and control plans found in the Final Environmental Impact Statement (FEIS) dated June 5, 2009, and in the Programmatic Agreement dated August 3, 2009, both of which are appended to and made part of this permit.

Article 14. The permittee shall comply with all agreed actions and obligations undertaken to be performed in its Application for a Presidential permit dated May 15, 2007, as amended, in the Programmatic Agreement dated August 3, 2009, and in the Final Environmental Impact Statement dated June 5, 2009, all of which are appended to and made a part of this permit.

Article 15. Enbridge shall provide written notice to the Department at such time as the construction authorized by this permit is begun, and again at such time as construction is completed, interrupted or discontinued.

Article 16. This permit shall issue fifteen days after the date of the determination by the Deputy Secretary of State that issuance of this permit would serve the national interest, provided that the Department of State does not otherwise notify Enbridge that the permit shall not be issued.

IN WITNESS WHEREOF, I, James B. Steinberg, Deputy Secretary of State, have hereunto set my hand this 3rd day of August 2009, in Washington, District of Columbia.

A handwritten signature in black ink, appearing to be 'JBS', is written over a horizontal line.

urge all Americans to join in observing this day with appropriate programs, ceremonies, and activities.

In Witness Whereof, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand four, and of the Independence of the United States of America the two hundred and twenty-eighth.

George W. Bush

[Filed with the Office of the Federal Register, 8:45 a.m., May 4, 2004]

NOTE: This proclamation was published in the *Federal Register* on May 5. This item was not received in time for publication in the appropriate issue.

Executive Order 13337—Issuance of Permits With Respect to Certain Energy-Related Facilities and Land Transportation Crossings on the International Boundaries of the United States

April 30, 2004

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to amend Executive Order 11423 of August 16, 1968, as amended, and to further the policy of my Administration as stated in Executive Order 13212 of May 18, 2001, as amended, to expedite reviews of permits as necessary to accelerate the completion of energy production and transmission projects, and to provide a systematic method for evaluating and permitting the construction and maintenance of certain border crossings for land transportation, including motor and rail vehicles, that do not require construction or maintenance of facilities connecting the United States with a foreign country, while maintaining safety, public health, and environmental protections, it is hereby ordered as follows:

Section 1. (a) Except with respect to facilities covered by Executive Order 10485 of September 3, 1953, and Executive Order 10530 of May 10, 1954, the Secretary of State is hereby designated and empowered to receive all applications for Presidential permits,

as referred to in Executive Order 11423, as amended, for the construction, connection, operation, or maintenance, at the borders of the United States, of facilities for the exportation or importation of petroleum, petroleum products, coal, or other fuels to or from a foreign country.

(h) Upon receipt of a completed application pursuant to paragraph (a) of this section, the Secretary of State shall:

- (i) Request additional information needed from the applicant, as appropriate, before referring the application to other agencies pursuant to paragraph (b)(ii) of this section;
 - (ii) Refer the application and pertinent information to, and request the views of, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Transportation, the Secretary of Energy, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, or the heads of the departments or agencies in which the relevant authorities or responsibilities of the foregoing are subsequently conferred or transferred, and, for applications concerning the border with Mexico, the United States Commissioner of the International Boundary and Water Commission; and
 - (iii) Refer the application and pertinent information to, and request the views of, such other Federal Government department and agency heads as the Secretary of State deems appropriate.
- (c) All Federal Government officials consulted by the Secretary of State pursuant to paragraph (b)(ii) or (b)(iii) of this section shall provide their views and render such assistance as may be requested, consistent with their authority, in a timely manner, but not to exceed 90 days from the date of the request.
- (d) Should any of the Federal Government officials consulted pursuant to paragraph (b)(ii) or (b)(iii) of this section request from the Department of State additional information that is necessary for them to provide their views or to render such assistance as may be required, the time elapsed between

the date of that request for additional information and the date such additional information is received shall not be counted in calculating the time period prescribed in paragraph (c) of this section.

(e) The Secretary of State may also consult with such State, tribal, and local government officials and foreign governments, as the Secretary deems appropriate, with respect to each application. The Secretary shall solicit responses in a timely manner, not to exceed 90 days from the date of the request.

(f) Upon receiving the views and assistance requested pursuant to paragraphs (b) and (e) of this section, the Secretary of State shall consider, in light of any statutory or other requirements or other considerations, whether or not additional information is needed in order to evaluate the application and, as appropriate, request such information from the applicant.

(g) After consideration of the views and assistance obtained pursuant to paragraphs (b) and, as appropriate, (e) and (f) of this section and any public comments submitted pursuant to section 3(a) of this order, if the Secretary of State finds that issuance of a permit to the applicant would serve the national interest, the Secretary shall prepare a permit, in such form and with such terms and conditions as the national interest may in the Secretary's judgment require, and shall notify the officials required to be consulted under paragraph (b)(ii) of this section of the proposed determination that a permit be issued.

(h) After consideration of the views obtained pursuant to paragraphs (b) and, as appropriate, (e) and (f) of this section and any public comments provided pursuant to section 3(a) of this order, if the Secretary of State finds that issuance of a permit to the applicant would not serve the national interest, the Secretary shall notify the officials required to be consulted under paragraph (b)(ii) of this section of the proposed determination that the application be denied.

(i) The Secretary of State shall issue or deny the permit in accordance with the proposed determination unless, within 15 days after notification pursuant to paragraphs (g) or (h) of this section, an official required to be consulted under paragraph (b)(ii) of this section shall notify the Secretary of State that

he or she disagrees with the Secretary's proposed determination and requests the Secretary to refer the application to the President. In the event of such a request, the Secretary of State shall consult with any such requesting official and, if necessary, shall refer the application, together with statements of the views of any official involved, to the President for consideration and a final decision.

Sec. 2. (a) Section 1(a) of Executive Order 11423, as amended, is amended to read as follows: "Except with respect to facilities covered by Executive Order Nos. 10485 and 10530, and by section 1(a) of the Executive Order of April 30, 2004, entitled "Issuance of Permits with Respect to Certain Energy-Related Facilities and Land Transportation Crossings on the International Boundaries of the United States" (the order of April 30, 2004), the Secretary of State is hereby designated and empowered to receive all applications for Presidential permits for the construction, connection, operation, or maintenance, at the borders of the United States, of:

- (i) pipelines, conveyor belts, and similar facilities for the exportation or importation of all products, except those specified in section 1(a) of the order of April 30, 2004, to or from a foreign country;
- (ii) facilities for the exportation or importation of water or sewage to or from a foreign country;
- (iii) facilities for the transportation of persons or things, or both, to or from a foreign country;
- (iv) bridges, to the extent that congressional authorization is not required;
- (v) similar facilities above or below ground; and
- (vi) border crossings for land transportation, including motor and rail vehicles, to or from a foreign country, whether or not in conjunction with the facilities identified in (iii) above.

(b) Section 1(b) of Executive Order 11423, as amended, is amended by deleting the text "(a)(iii), (iv), or (v)" and by inserting the text "(a)(iii), (iv), (v), or (vi)" in lieu thereof.

Sec. 3. (a) The Secretary of State may provide for the publication in the *Federal Register* of notice of receipt of applications, for the receipt of public comments on applications, and for notices related to the issuance or denial of applications.

(b) The Secretary of State is authorized to issue such further rules and regulations, and to prescribe such further procedures, including, but not limited to, those relating to the International Boundary and Water Commission, as may from time to time be deemed necessary or desirable for the exercise of the authority conferred by this order.

Sec. 4. All permits heretofore issued with respect to facilities described in section 2(a) of this order pursuant to Executive Order 11423, as amended, and in force at the time of issuance of this order, and all permits issued hereunder, shall remain in effect in accordance with their terms unless and until modified, amended, suspended, or revoked by the appropriate authority.

Sec. 5. Nothing contained in this order shall be construed to affect the authority of any department or agency of the United States Government, or to supersede or replace the requirements established under any other provision of law, or to relieve a person from any requirement to obtain authorization from any other department or agency of the United States Government in compliance with applicable laws and regulations subject to the jurisdiction of that department or agency.

Sec. 6. This order is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

George W. Bush

The White House,
April 30, 2004.

[Filed with the Office of the Federal Register,
8:45 a.m., May 4, 2004]

NOTE: This Executive order was published in the *Federal Register* on May 5. This item was not received in time for publication in the appropriate issue.

The President's Radio Address May 1, 2004

Good morning. A year ago, I declared an end to major combat operations in Iraq, after coalition forces conducted one of the swiftest, most successful and humane campaigns in military history. I thanked our troops for their courage and for their professionalism. They had confronted a gathering danger to our Nation and the world. They had vanquished a brutal dictator who had twice invaded neighboring countries, who had used weapons of mass destruction against his own people, and who had supported and financed terrorism. On that day, I also cautioned Americans that, while a tyrant had fallen, the war against terror would go on.

One year later, despite many challenges, life for the Iraqi people is a world away from the cruelty and corruption of Saddam's regime. At the most basic level of justice, people are no longer disappearing into political prisons, torture chambers, and mass graves because the former dictator is in prison, himself. And their daily life is improving. Electricity is now more widely available than before the war. Iraq has a stable currency, and banks are thriving. Schools and clinics have been renovated and reopened, and powerplants, hospitals, water and sanitation facilities, and bridges are being rehabilitated. Iraq's oil infrastructure is being rebuilt, with the Iraqi oil industry already producing about 2.5 million barrels per day.

On the ground in Iraq, we have serious and continuing challenges. Illegal militias and remnants of the regime, joined by foreign terrorists, are trying to take by force the power they could never gain by the ballot. These groups have found little support among the Iraqi people.

Our coalition is implementing a clear strategy in Iraq. First, we will ensure an atmosphere of security as Iraqis move toward self-government. Our coalition supports the efforts of local Iraqis to negotiate the disarmament of the radicals in Fallujah. We've also made it clear that militias in Najaf and elsewhere must disarm or face grave consequences. American and coalition forces are in place, and we are prepared to enforce order in Iraq.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 23 2017

OFFICE OF
POLICY

Mr. Marcus Lee
Department of State
Bureau of Energy Resources
ENR/EGA/PAPD, Room 4422
U.S. Department of State
Washington, D.C. 20520

Dear Mr. Lee:

On behalf of Administrator Pruitt, thank you for your memorandum regarding the application of Enbridge Energy, L.P. for an amendment to the August 3, 2009 Presidential permit for Line 67 to operate the Line 67 Pipeline up to its full design capacity. Our team has reviewed the application and we believe issuance of the permit would serve the national interest. If you or your staff would like to discuss this, please contact me directly at (202) 564- 4332 or dravis.samantha@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Samantha K. Dravis".

Samantha Dravis
Senior Counsel and Associate Administrator

Wed Mar 29 12:27:27 EDT 2017
Hope.Brian@epamail.epa.gov
FW: visit Florida with Rep. Curbelo
To: CMS.OEX@epamail.epa.gov

FYI to OCIR, cc OAR

From: Jane EG Smith [mailto:(b) (6)]
Sent: Wednesday, March 29, 2017 10:44 AM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Cc: Jane Smith - home <(b) (6)>
Subject: visit Florida with Rep. Curbelo

Dear Secretary Pruitt,

I urge you to accept Representative Curbelo’s invitation to visit Florida and see the effects of climate change that they are already experiencing.

I live in another beautiful coastal state, North Carolina. We, too, are seeing the effects of climate change - from increased flooding in Wilmington to unusual devastating inland flooding to severe drought in our western third leading to the fires of last summer and fall. On a personal note, I am observing the death of old trees and younger bushes and flowers in my urban garden, succumbing to rare diseases brought on by the stress of our changing weather pattern of long dry periods broken by torrential, flooding rains.

Representative Curbelo will show you his state, but I am sure that what you learn there will also help you understand my North Carolina. If, after your visit with him, you would like to see North Carolina, we would welcome you!

Come see what is happening in the southeast.

Sincerely,

Jane EG Smith

2712 Lochmore Drive

Raleigh, NC 27608

(b) (6)

919-787-6539



AN INCONVENIENT TRUTH

THE PLANETARY EMERGENCY OF GLOBAL WARMING AND WHAT WE CAN DO ABOUT IT

AL GORE

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INC
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Our climate crisis may at times appear to be happening slowly, but in fact it is happening very quickly—and has become a true *planetary emergency*. The Chinese expression for *crisis* consists of two characters. The first is a symbol for *danger*; the second is a symbol for *opportunity*. In order to face down the danger that is stalking us and move through it, we first have to recognize that we are facing a crisis. So why is it that our leaders seem not to hear such clarion warnings? Are they resisting the truth because they know that the moment they acknowledge it, they will face a moral imperative to act? Is it simply more convenient to ignore the warnings?

Perhaps, but inconvenient truths do not go away just because they are not seen. Indeed, when they are not responded to, their significance doesn't diminish; it grows.

AL GORE



Former Vice President Al Gore is chairman of Current TV, an independently owned cable and satellite television nonfiction network for young people based on viewer-created content and citizen journalism. He also serves as chairman of Generation Investment Management, a firm that is focused on a new approach to sustainable investing. Gore is a member of the Board of Directors of Apple Computer, Inc., and a senior advisor to Google, Inc.

Gore was elected to the U.S. House of Representatives in 1976 and the U.S. Senate in 1984 and 1990. He was inaugurated as the 45th vice president of the United States on January 20, 1993, and served eight years. He is the author of the 1992 bestseller *Earth in the Balance: Ecology and the Human Spirit*.

Al Gore and his wife, Tipper, live in Nashville, Tennessee. They have four children and two grandchildren.



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Scott Pruitt

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Assembly California Legislature



TODD GLORIA
ASSEMBLYMEMBER, SEVENTY-EIGHTH DISTRICT

RECEIVED
2017 MAR 29 AM 11:03
OFFICE OF THE
EXECUTIVE SECRETARIAT

March 16, 2017

The Honorable Rex W. Tillerson
Secretary of State
United States Department of State
2201 C Street NW
Washington, D.C. 20520

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Secretary Tillerson and Administrator Pruitt,

It is with the utmost concern that I write to you regarding the recent approximation of the 143 million gallon sewage spill in the Tijuana River, the worst sewage spill in the region in over a decade to impact our waters along Southern California.

According to the International Boundary and Water Commission's (IBWC) report, the discharge occurred February 6th through February 23rd, 2017. While a multitude of inquiries were made during this time to the IBWC, the City of Imperial Beach's requests for information were blatantly ignored. The health of my constituents has been negatively impacted by the contaminated waters and failing to notify the public of this environmental disaster is unconscionable.

I am grateful for the efforts put forth by our region's leaders, including Congressman Scott Peters and Congressman Juan Vargas, imploring our federal government to prioritize the health and wellbeing of our residents and their families along the coastal shoreline. What happened was unacceptable and the families in our districts and neighboring communities, on both sides of the border, deserve better.

The decision made by your respective departments to further investigate and allocate the necessary time and resources to resolve this ongoing issue has reassured our constituents that our federal government is working to protect the US-Mexico border region.



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I respectfully request that you continue to work in collaboration with the affected municipalities in San Diego County, and hold those responsible for the lack of attention given to this spill accountable for their reckless and negligent conduct. It is my hope that the investigation by the IBWC will result in improved communication ensuring that a failure of this magnitude doesn't happen again.

Thank you for your attention and consideration of this request. If I can be a resource for you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, reading "Todd Gloria". The signature is fluid and cursive, with the first name "Todd" and last name "Gloria" clearly legible.

TODD GLORIA
Assemblymember, 78th District

cc: The Honorable Juan Vargas, Member of Congress, 51st Congressional District
The Honorable Scott Peters, Member of Congress, 52nd Congressional District
The Honorable Edward Drusina, Commissioner, International Boundary and
Water Commission, U.S. Section
The Honorable Serge Dedina, Mayor, City of Imperial Beach, California
The Honorable Kevin Faulconer, Mayor, City of San Diego, California

Assembly
California Legislature

TODD GLORIA

ASSEMBLY MEMBER, SEVENTY-EIGHTH DISTRICT
STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0078

SAN DIEGO
CA 920
17 MAR '17
PM 5 L



MAR 29 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460



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20460-





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

**OFFICE OF THE
REGIONAL ADMINISTRATOR**

The Honorable Todd Gloria
Assemblymember, Seventy-Eighth District
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0078

Dear Assemblymember Gloria:

Thank you for your correspondence of March 16, 2017, to Administrator Pruitt concerning the recent sewage spill in Tijuana. I share your concern regarding the impacts of this spill on communities in San Diego County, particularly those in the Tijuana River Valley, Imperial Beach, and Coronado. Our EPA Regional Office has focused on improving border water infrastructure for the past 20 years, while maintaining the health of our communities as one of its top priorities, and will continue to do so moving forward.

EPA worked in partnership with the International Boundary and Water Commission (IBWC) to investigate the cause of the sewer collector failure and other factors that may have contributed to this incident. The IBWC recently released a report summarizing this investigation (https://www.ibwc.gov/Files/Report_Trans_Bypass_Flows_Tijuana_033117.pdf). The report discusses the failure and repair of the collector as well as the multiple overflows from Tijuana's sewer system caused by heavy rainfall in January and February that led to contamination of the Tijuana River and it recommends actions to address areas of concern identified in the report, including a suggested notification protocol.

EPA has worked collaboratively with U.S. and Mexican stakeholders to improve water quality in the Tijuana River watershed. In the 1990's, EPA funded the construction of the South Bay International Wastewater Treatment Plant in San Ysidro, which resulted in the elimination of 13 million gallons per day of raw sewage that regularly crossed the border into San Diego. Since then, EPA has invested nearly \$53 million in wastewater improvement projects in Tijuana, Rosarito, and Tecate to prevent spills of untreated sewage from entering the Tijuana River and reaching San Diego County communities. All projects are required to benefit the U.S. and receive at least a 50% match from the government of Mexico. Absent these investments, a failure in any one of these collectors could have resulted in a spill even larger than the latest incident.

Despite these investments, the wastewater collection and treatment system in Tijuana faces increasing challenges. Tijuana has experienced rapid population growth, much of it in unplanned developments in steep canyons without sewage service. Many portions of the collection system in central Tijuana have deteriorated with age and are in urgent need of replacement or repair. Tijuana's main wastewater treatment plant at San Antonio de los Buenos has reached its designed capacity.

Nevertheless, while EPA's funding has decreased over the past decade, wastewater infrastructure investments to reduce impacts to U.S. communities remain a high priority. Currently, EPA is working with the North American Development Bank to repair six miles of collectors, construct nine new manholes, rehabilitate 30 existing manholes, and provide wastewater collection service to 525 households that currently discharge into canyons and open spaces. The construction of an additional 2.5 miles of sewage pipeline is in the planning stages.

In addition to these water infrastructure investments, EPA and our counterparts in Mexico, SEMARNAT, jointly implement the binational environmental agreement known as Border 2020. This framework was established under the 1983 Environmental Cooperation Agreement known as the La Paz agreement, signed by Presidents Reagan and de la Madrid. Through the Border 2020 program, EPA has leveraged federal, state, and local resources from Mexico and the U.S. to support projects to mitigate solid waste and sediment in Tijuana's strained wastewater infrastructure that would otherwise be transported across the border into the United States.

We strive to foster our partnership with local, state and federal elected officials and agencies. We are hosting a meeting of federal and state representatives on Wednesday, April 19, 2017, at our Regional Office in San Francisco, CA, to prioritize infrastructure and operational improvements that reduce transboundary wastewater impacts in San Diego County. Enclosed is the agenda; we welcome your participation in this meeting.

If I can be of further assistance, please call me at 415-972-3572, or Tomás Torres, Director of our Water Division, at 415-972-3337.

Sincerely yours,

 13 April 2017
Alexis Strauss
Acting Regional Administrator

Enclosure

cc: The Honorable Juan Vargas, Member of Congress, 51st Congressional District
The Honorable Scott Peters, Member of Congress, 52nd Congressional District
Edward Drusina, U.S. Commissioner, IBWC
Serge Dedina, Mayor, City of Imperial Beach, California
Kevin Faulconer, Mayor, City of San Diego, California

EMERGENCY PETITION TO THE EPA ADMINISTRATOR

Scott Pruitt

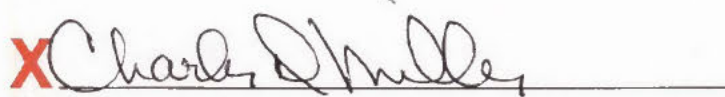
Administrator, Environmental Protection Agency

I am alarmed by your longstanding hostility to environmental protection and your advocacy on behalf of big polluters. We need a strong EPA to safeguard everything from clean air to children's health, from clean water to our nation's pollinators. America's bedrock laws and shared values have always placed environmental protection *above* corporate self-interest.

That is why I will be closely watching to see whether you act to protect America's bees from neonic pesticides and products, sold by companies like Monsanto and Bayer. Mounting scientific evidence points to neonics as a leading culprit in the devastating collapse of bee colonies. We can't afford to lose more bees — not when one in every three bites of food we take depends on them. I am calling on you to heed the latest science and impose an immediate ban on all uses of neonic pesticides that pose a risk to bees.

You have an obligation to uphold the mission of the EPA *by doing what's best for bees and people* — not what's most profitable for agrochemical companies. If you choose instead to sacrifice bees, I will stand alongside NRDC and hold you accountable under the law in federal court.

Sincerely,


Signature

Mr. Charles Miller
2 Concert Ct
Olmsted Falls, OH 44138-2990

M7RF

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Mr. Charles Miller

(b) (6)

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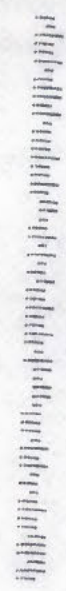
Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington DC 20460



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 6, 2017

Mr. Charles Miller

(b) (6)

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Dear Mr. Miller:

Thank you for writing to Environmental Protection Agency Administrator Scott Pruitt with concerns about potential impacts of pesticides on bees. Administrator Pruitt asked that I respond to you on the Agency's behalf since my office is responsible for regulating pesticides in the United States. I want to assure you that EPA is working aggressively to protect bees and other pollinators from the potential effects of pesticides and is engaged in national and international efforts to address those concerns.

EPA provides extensive information about pollinator protection on our website, including links to the regulatory dockets for our ongoing registration review of the neonicotinoid pesticides¹. EPA published pollinator risk assessments for the neonicotinoid pesticides in 2016 and 2017. The assessments for clothianidin, thiamethoxam², and dinotefuran³, similar to the preliminary pollinator assessment for imidacloprid⁴ showed that most approved uses do not pose significant risks to bee colonies. However, spray applications to a few crops may pose risks to bees. EPA mitigates this risk with labeling instructions directing users not to apply the products or allow them to drift to blooming crops or weeds if bees are in the treatment area. As long as pesticide users follow the label directions, EPA does not expect neonicotinoid applications to pose significant risks to bees.

Let me close by reiterating that, at EPA, we are committed to effectively addressing the complex and varied stressors facing pollinators in this country. If the risk posed by a pesticide, supported by the best available, peer-reviewed science, cannot be mitigated or managed through other measures, and the Agency determines that the pesticide no longer meets the Federal Insecticide, Fungicide and Rodenticide Act standard for registration, then EPA will move quickly to take appropriate regulatory action.

Again, thank you for taking the time to write on this important matter.

Sincerely,

Anne Overstreet

Chief, Communication Services Branch
Field and External Affairs Division
Office of Pesticide Programs

¹ <http://www.epa.gov/pollinator-protection/schedule-review-neonicotinoid-pesticides>

² <https://www.regulations.gov/document?D=EPA-HQ-OPP-2011-0581-0034>

³ <https://www.regulations.gov/document?D=EPA-HQ-OPP-2011-0920-0014>

⁴ <https://www.regulations.gov/document?D=EPA-HQ-OPP-2008-0844-0140>

Emma Vorasorn

(b) (6)

5

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3-7-17

Mr. Scott Pruitt
Environmental Protection Agency
Office of the Administrator-1101A
1200 Pennsylvania Ave, N.W.
Washington, DC 20460

Dear Mr. Pruitt,

Invasive Species are a huge problem which affect humans and native species. A lot of people overlook or are unaware of the dangers of invasive species which makes it an even larger problem. They affect humans by messing up the natural ecosystem that costs billions of dollars to fix a year! Invasive species affect native species by eating them and their prey, causing/carrying diseases, stopping them from reproducing, and killing their young.

One way you can help is create a law where you have to clean your boats before traveling to new waters because boats can carry tiny creatures that can cling to the bottom. For example, mussels hang on to boats and have been taking over the Great Lakes. Imagine going to your favorite beach to build a sand castle, but there isn't any sand left to build because thousands of mussels are covering it up! Also, you can also help by informing people from around the world or doing speeches for big crowds people to check things before they ship them overseas. This is because of the same reasons with the boat; small things can attach to packages or crates and escape to the wrong habitat.

I really hope that you will take some of my suggestion into action. Thank you for doing what you do because without you, a lot of environmental problems wouldn't be taken seriously, and could even get worse.

Sincerely,

Emma Vorasorn

Emma Vorasorn

Emma Vorasorn



(b) (6)



Mr. Scott Pruitt
Environmental Protection Agency
Administrator - 1101A
Office of the Administrator
1200 Pennsylvania Ave, N.W.
Washington, DC 20460



MAR 29 2017

20460-



3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

4/27/2017

Emma Vorasorn

(b) (6)

Dear Emma,

Thank you for your letter to Administrator Scott Pruitt expressing concern about the negative impact to the environment from invasive species. Your letter has been referred to me because I work on ocean and coastal issues at the Environmental Protection Agency.

As you mentioned in your letter, the boating community can spread invasive species. When vessels travel from one water body to another, they can bring small animals and plants that are attached to the bottom of the boat. In addition, boats and ships with ballast tanks (i.e., water used for vessel stability) can transfer small animals and plants from one body of water to another. The EPA, as well as other federal agencies, have a number of programs to help prevent the spread of invasive species.

The EPA regulates ballast water from commercial vessels to help reduce the spread of invasive species. You can learn about this program at www.epa.gov/npdes/vessels-vgp. The EPA also participates in a special task force that works on invasive species. The task force recently released the website for their Stop Aquatic Hitchhikers! Campaign, which you can find at www.stopaquatichitchhikers.org. This campaign asks recreational boaters to help stop the spread of invasive species. It has educational materials and explains how people like you can take steps to be part of the solution.

Thank you again for expressing your concern with the negative environmental impacts of invasive species. To learn more, please visit www.epa.gov/watershedacademy/invasive-non-native-species. If you have additional questions, please feel free to contact Erin Murphy at 202-566-0843.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Redford".

Dave Redford
Oceans and Coastal Protection Division

March 17, 2017

Dear Mr. Pruitt,

With Trump's proposed budget, looks like you could use some support. We disagree about climate change so I won't go there, but you have said that cleanup of contaminated sites was a priority, and it looks like hundreds of millions of dollars for haz-waste cleanup could be axed. So, since I've been writing to you about toxic chemicals, this is a good time to talk about PCBs. (The chemical that one could argue has fueled a generation of toxicologists* along with the Superfund and Hazardous cleanup industry #thankyouGEandMonsanto.)

PCBs are the quintessential example of chemical recklessness and like DDT, are a legacy pollutant. As another turn-of-the century industry darling these unregulated chemicals eventually contaminated just above every region of the planet. Even seven miles down, deep sea dwellers are contaminated with PCBs.

General Electric brought good things to life with PCB-loaded transformers and capacitors (they are not the only ones, there was Westinghouse and Aerovox Corp. and others). In a thirty-year period, up until the 1970s, GE's New York manufacturing plant dumped over a million pounds of PCBs into the mighty Hudson making it one of the largest Superfund Sites in the nation. And that was just one factory. Basically, wherever industry lit up our lives there are PCBs. And then there were all the landfills and dumps where those products met the end of the useful lives.

PCBs weren't just long-lived, versatile, heat resistant chemicals – turns out they are toxic as well. Put the chlorine here and it's toxic to the brain, move it over there and they are like their more toxic cousin, dioxin, causing reproductive failure and developmental problems. But back in the 1930s and 40s, no one really had a clue about how toxic (well, actually, they did – workers showed signs of toxicity – but workers really didn't stand much of a chance in those days), or well-traveled PCBs were, until Soren Jenson, over in Sweden, was looking to measure DDT exposure, and found that PCBs had made their way into his wife and kids as well. Imagine his surprise.

Now we all carry some within us. It is fascinating to imagine the journeys of these stubborn chemicals: created in Monsanto's Anniston, Alabama factory (one of their two production sites), shipped up to General Electric's place in Troy, slipping through a factory drain, eventually picked up by a beauty of a striped bass or maybe a little minnow living and dying in the Hudson – recycling it's toxic load for decades before

some of those PCB molecules eventually made their way into our bodies, perhaps passed from mother to child.

Monsanto fretted over its role in this global contaminant back in the 60s. They worried about lawsuits, and health effects, and their public image...but rather than discontinue the product effectively admitting guilt, they persisted (so to speak) – producing PCBs until 1977. Perhaps they saw the writing...two years later EPA banned manufacturing, phased out their use, and tightened controls on PCB waste.

That we are still talking about them four decades later, as a result of decisions made by an industry that put profits over human and environmental health – attests to the relevance of your agency. Yes, our generation and our parents and grandparents benefited by the technologies enabled by PCBs. But when train-loads of PCBs ceased making their way into our homes, schools and factories, the lights didn't go out. In fact, these industries grew. Perhaps, had Monsanto and General Electric had the *benefit* of some federal oversight – pushing them to create a great product that was safe for humans and the environment they wouldn't be spending billions to clean up their mess today. (A pittance for them, but better spent on innovation and testing rather than cleanup and legal.) I realize this is easy to say now, with nearly a century's worth of strategies to better understand the chemicals we use and produce. But it's not irrelevant.

We live in an industrial age chemical world, and there is no going back. You are now in the unique role to ensure that a generation or two down the road, industry won't be spending trillions on cleanup and legal bills (to fight cleanup) and Americans won't be wondering how some new chemical slipped into our lives and our states or federal government won't be left holding the bill and the responsibility.

I don't have high hopes that your fellow Republicans will see things this way, so you may have to fight for those cleanup funds. I hope that when you answered Senator Booker, you meant it. That you didn't say that, knowing the funds would vanish "hey, this one's not my fault." I hope you fight, rather than pass the responsibility for our toxic transgressions onto yet another generation. If there is anything I can do to help, please let me know.

Sincerely,



Emily Monosson

Ronin Institute, Independent Scholar

AAAS Former Science and Engineering Fellow, USEPA, 1988

*I am one of those toxicologists who, for a while, made a living off of PCBs.

ANALYSIS



(b) (6)

BOSTON MA 022

20 MAR 2017 AM 11:31



MAR 29 2017

Mr. Scott Pruitt
EPA 1101 Ave NW
1200 Penn. Ave NW
Washington DC 20460



FCF2026946

20460--



March 15, 2017

Mr. Scott Pruitt
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101 A
Washington, DC 20460

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2017 MAR 29 AM 11:07

OFFICE OF THE
EXECUTIVE SECRETARIAT

Sir,

This is a response to an article in the New York Times on March 3rd, 2017 by Coril Davenport. The 2015 Paris Agreement has 194 signatures. Is the Trump administrations negative approach justified? Is the adverse affect on our economy, job loss, validity of climate change, etc, just cause to give the U.S. people, our infrastructure, and natural resources priority over 194 signatures?

We have varied opinions within the Trump administration. Is any discussion, decision, likely to create an approach that actually solves a worldwide environmental crisis and ours at the same time? Not if our current approach is considered a solution. We need a common denominator!

We need to solve the problem and let the rest of the world copy us! China, India, the U.S. and emerging third world countries render the 2015 Paris Agreement a counterfeit maintainable objective. A realistic view was recently documented in a National Geographic issue. It validated, since 2010, China's pollution increased 21% which prevailing winds conveyed to our west coast. In this same timeframe the U.S. reduced pollution by 21%! My conclusion-the 2015 Paris agreement is just an exercise in futility.

If we actually withdraw from the agreement it is perceived to have negative political, foreign policy, and allied anxieties. Based on the last twenty years this is understandable. To alleviate this reaction we need to have a better solution. It exists!

Our current methodology with alternative fuels, ethanol, wind, solar and the subsidies/grants to make them viable won't work even when fully implemented. They

are inadequate, not cost effective, lack ROI, and have minimal shelf life (increased electrical demand will cancel their production capacity).

Is there a technology that's cost effective and generates a significant reduction in pollution? Is there a technology that creates "clean diesel?" Can this technology also create "clean coal," resurrect the mining industry, and put fifty plus coal/electrical plants back on line? Will this technology create the opportunity to re-evaluate the costly conversion to natural gas or, carbon capture?

Based on Oxitron technologies™, LLC success with the transportation industry the odds are excellent. Five years of road tests validate:

- A. We increase diesel MPG at least 16% but average 20%.
- B. We totally surpass EPA mandate 420-F-97-014.

This compounding combination is a huge step in reducing carbon exhaust. I've enclosed supporting material to give you a snap shot of Oxitron Technologies™, LLC capability. To validate our contribution and obsolete the Paris Agreement, our request is simple. All you need to do is arrange a visit by a qualified decision maker. Our president's decision to make our military competitive and support our foreign policy creates a huge increase in the DOD budget. The diesel fuel cost saving alone will be a positive cost reduction contribution. Eliminating all the grants, subsidies, tax breaks for alternative energy sources will also create funding for DOD budgets.

The cost to verify our technologies contribution to solving the environmental dilemma is negligible. We're requesting an objective review of it's potential.

This is not a request for funding, etc. All it takes is 4 man-hours to validate our technologies effect.

Sincerely,



Frank Pellegrini

Director, Sales & Marketing

LET'S DO THE MATH

THE LATEST NUMBERS (9-22-09 DOD FUEL SPENDING, SUPPLY, AQUITION REPORT) INDICATES ANNUAL CONSUMPTION OF 145 MILLION BARRELS OR SIX BILLION GALLONS (42 GPB X 145 MBPY) ANNUALY. MY CALCULATIONS ARE ADJUSTED TO REFLECT A 2017 COST SCENARIO.

- A. MARCH 2017 AVERAGE CPB IS \$49.00. FISCAL YEAR 2004 AT \$48.00 CPB IS CLOSEST FOR A COMPARISON. THE COMPARABLE BUDGET COST IS AROUND 6.8 BILLION DOLLARS.
- B. OXITRON TECHNOLOGIES™, LLC WILL REDUCE THIS COST AT LEAST 16%.
- C. THE BUDGET REDUCTION WILL BE ONE BILLION, 8 MILLION DOLLARS. (AT LEAST)
- D. ADDITIONAL ENVIRONMENTAL COST FACTORS WILL BE ELIMINATED. OUR TECHNOLOGY ELIMINATES CARBON EXHAUST AT LEVELS THAT ABROGATE ALL OTHER ALTERNATIVES.

On one side of that debate is Mr. Bannon, who as a former chief executive of Breitbart News published countless articles denouncing climate change as a hoax, and who has vowed to push Mr. Trump to transform all his major campaign promises into policy actions.

On the other side are Ms. Trump, Mr. Tillerson, and a slew of foreign policy advisers and career diplomats who argue that the fallout of withdrawing from the accord could be severe, undercutting the United States' credibility on other foreign policy issues and damaging relations with key allies.

Although Ms. Trump has not spoken out publicly for action to combat climate change, proponents and opponents of such action see her as an ally. Former Vice President Al Gore met with her during the Trump transition, and was ushered in by the "first daughter" to see the president-elect. The actor and activist Leonardo DiCaprio even slipped her a DVD copy of his climate-change documentary.

"President Trump Must Not Wobble on Climate Change — No Matter What Ivanka Says . . ." blared a Breitbart post on Monday written by James Delingpole, who is close to Mr. Bannon and who leads the website's coverage of climate-change policy.

Mr. Trump wants to make a decision by next week, say people familiar with the White House's debate on the climate pact, in order to announce his executive order to undo Mr. Obama's climate regulations in conjunction with his plans for the Paris deal.

According to leaked budget documents, the president will also propose killing off nearly two dozen E.P.A. programs, including the Obama-era Clean Power Program, climate partnership programs with local governments,

Energy Star grants to encourage efficiency research in consumer products and climate-change research. Those would be part of a broader budget submission that

would cut the E.P.A.'s funding by 25 percent, to around \$6.1 billion from \$8.2 billion, and its staff by 20 percent.

"If the goal is to fulfill the president's campaign promises and implement his agenda, there is no value in staying in Paris," said Thomas J. Pyle, an adviser to the Trump transition and the president of the Institute for Energy Research, an organization partly funded by the billionaire brothers Charles G. and David H. Koch, who have worked for years to undermine climate-change policies.

Mr. Trump has cited Mr. Pyle's group as being influential in shaping his energy and climate proposals, including his campaign pledge to withdraw from the Paris deal.

"The two greatest obstacles to a Clexit (climate exit from U.N. Paris agreement) are probably Ivanka and Tillerson," wrote Marc Morano, a former Republican Senate staff member who now runs Climate Depot, a fossil-fuel-industry-funded website that promotes the denial of climate science, in an email. "Tillerson with his 'seat at the table' views could be biggest proponent of not withdrawing the U.S. from the agreement."

Mr. Tillerson is a former chief executive of Exxon Mobil, which, like many major global corporations, endorsed the Paris agreement. While his former company once denied human-caused climate change, it has more recently publicly acknowledged the threat posed by burning oil and supported proposals to tax carbon dioxide pollution.

Asked during his Senate confirmation hearing about the Paris accord, Mr. Tillerson said, "It's important that the U.S. maintains its seat at the table about how to address the threat of climate change, which does require a global response."

Under the Paris agreement, every nation has formally submitted plans detailing how it expects to lower its planet-warming pollution. The Obama administration pledged that the United States would reduce its carbon pollution

about 26 percent from 2005 levels by 2025. However, that pledge depends on enactment of Mr. Obama's E.P.A. regulations on coal-fired power plants, which Mr. Trump and Mr. Pruitt intend to substantially weaken or eliminate.

But under the Paris deal, those numerical targets are not legally binding, and there are no sanc-

tions for failing to meet them. The only legal requirements of the deal are that countries publicly put forth their emissions reduction targets, and later put forth reports verifying how they are meeting the targets. It would be possible for the Trump administration to stay in the deal and submit a less ambitious target.

Even senior Republican voices in the foreign policy debate have said it may be wiser to stay in but keep a low profile.

"There's really no obligation," Senator Bob Corker, Republican of Tennessee and chairman of the Foreign Relations Committee, said in an interview. "It doesn't require us to do anything. I think they may take a little time to assess whether pulling out makes sense now."

Foreign policy experts say withdrawing from Paris would have far greater diplomatic consequences than President George W. Bush's withdrawal from the world's first global climate-change accord, the 1997 Kyoto Protocol.

"I think it would be a major mistake, even a historic mistake, to disavow the Paris deal," said R. Nicholas Burns, a retired career diplomat and under secretary of state under Mr. Bush.

"In international politics, trust, reliability and keeping your commitments — that's a big part of how other countries view our country," Mr. Burns said. "I can't think of an issue, except perhaps NATO, where if the U.S. simply walks away, it would have such a major negative impact on how we are seen."

The Paris deal is more consequential than Kyoto. Unlike that pact, which required action only from developed economies, the Paris agreement includes commitments from every nation, rich and poor, to cut emissions, including China and India, the world's largest and third-largest polluters. Also, the science of climate change has become far more certain and the impact more visible in the 20 years since Kyoto. Each of the last three years has surpassed the previous one as the hottest on record.

Some of the United States' closest allies are urging the Trump administration not to pull out. In a letter to Mr. Trump after he won the election, Chancellor Angela Merkel of Germany wrote, "Partnership with the United States is and will remain a keystone of German foreign policy, especially so that we can tackle the great challenges of our time." They include, she wrote, "working to develop a farsighted climate policy."

As Mr. Trump and his advisers weigh their Paris options, one proposal is gaining traction, according to participants in the debate: Mr. Trump could declare that the Paris agreement is a treaty that requires ratification by the Senate. The pact was designed not to have the legal force of a treaty specifically so that it would not have to go before the United States Senate, which would have assuredly failed to ratify it.

"If there are camps forming in the White House, then let the people decide, the elected representatives," Mr. Pyle said. "Let's put the question to them."

Proponents of that idea say it could shift some of the weight of the decision from Mr. Trump to Senator Mitch McConnell of Kentucky, the majority leader, at least in the eyes of some foreign diplomats, and of the president's daughter.



F. PELLEGRINI
OXITRON TECHNOLOGIES LLC
925 SHERMAN AVENUE
HAMDEN, CT 06514

This document will generate a preview of Oxitron Technology™, LLC.

1. Where it's applicable.
2. It's contribution to your comfort zone, it's harmlessness and its long-term R.O.I. contribution.
3. Understanding its function.
4. Over-the-road testing procedure that validates technology and benefits.
5. Installation diagram.
6. For more orientation go to:

<http://www.oxitrontechnologies.com/>

THE 1099 TRUCKER COMFORT ZONE

Every Oxitron™ Technologies, LLC "Korona" unit has a sequential one year warrantee. We warrantee in this manner simply because the technology utilized, over 50 years evolving, has no track record involving the 1099 trucking industry. Eventually, over-the-road performance data will dictate a warrantee that covers duration and/or mileage.

We have expanded the 1099 trucker comfort zone by developing our product so that it's impossible to damage the engine. Our product has no moving parts, it does not generate high temperature, it simply converts air to ozone which burns carbon particles very effectively. Our opacity/PER results surpass EPA standards. our mission statement:

OUR MISSION STATEMENT

Oxitron™ Technologies, LLC, is dedicated to generating a perpetual solution to our countries energy and environmental crisis.

We are aware our objectives must create a significant new benchmark for fuel efficiency, dramatically reduce harmful emissions, and be cost effective.

OXITRON™ TECHNOLOGIES, LLC IN FOCUS

Presently "A"

- Your truck's current system, prior to the combustion chamber of engine, is basic. It starts with the air filtration system which provides clean air to the turbo. The turbo boosts power which funnels through the cooling system and enters the combustion chamber, mixing with fuel injected diesel fuel.

By Adding Oxitron™ Technology "B"

- Your truck's air filter system, turbo and cooling system is not effected in any way. The Oxitron™ unit is installed prior to the combustion chamber. Simply stated, our technology changes the air to ozone. The ozone combined with the diesel fuel, via fuel injection, burns carbon more effectively producing increased MPG and meets opacity/PER/GHG/NDV mandated EPA standards.

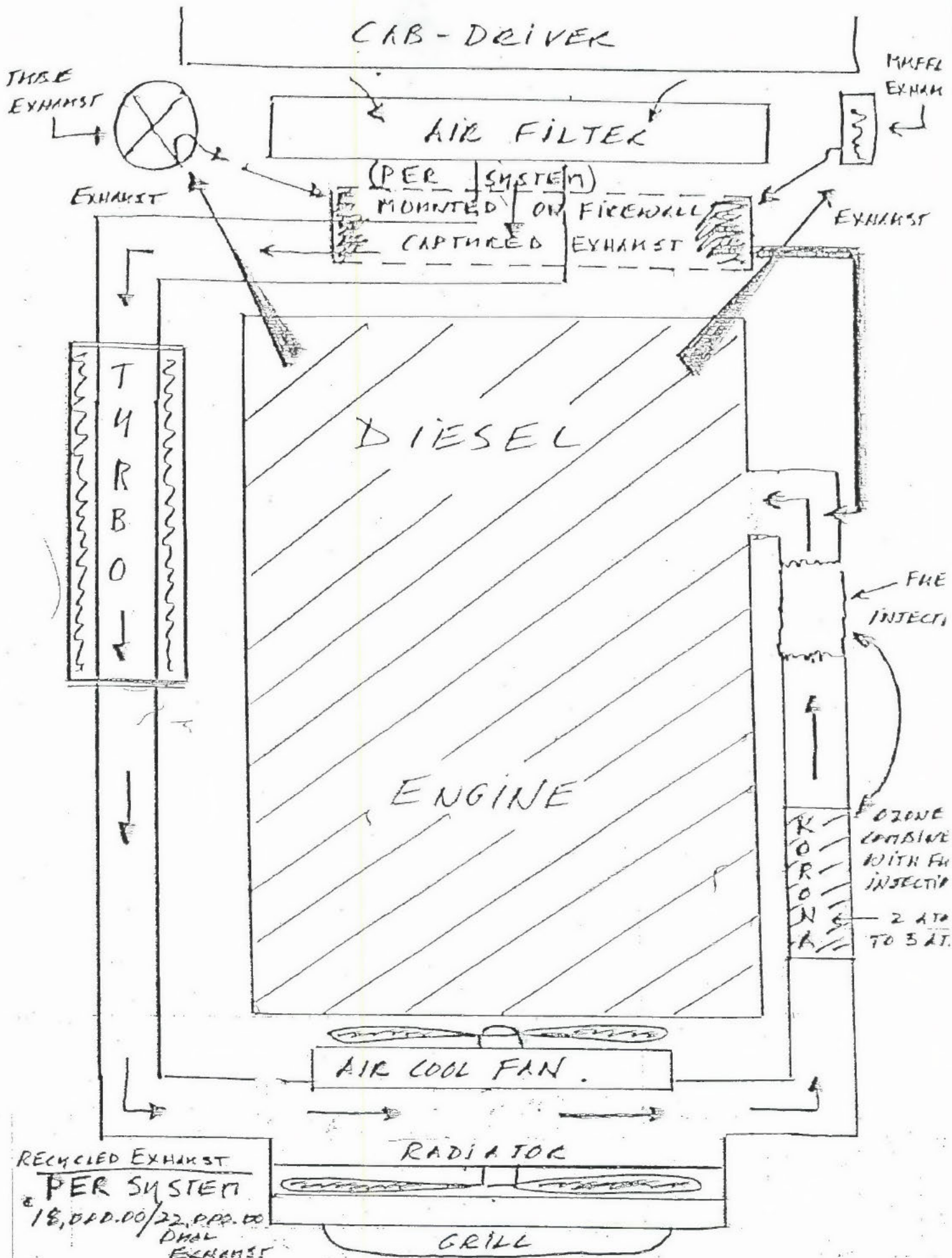
Oxitron™ Technology Failure "C"

- If the unit fails due to unit/truck incompatibility, the result is ozone will not be generated. Your status simply reverts back to "A" above. The warrantee immediately goes into effect.

OZONE/OZONIZING

A Blue gas (oxygen- O_3) formed naturally from diatomic oxygen by electric discharge or ultraviolet radiation. It's an unstable, bleaching, poisonous oxidizing agent with irritating odor. It's industrial function is to purify and deodorizing air (operating room) sterilize water (labs) and used as a bleach (industry)

Oxitron Technology ozonizes air (from 2 to 3 molecules) prior to combining with fuel (diesel or gas) at fuel injection chamber before entering combustion chamber. The combination decreases the carbon exhaust from 40 PPM to LT 5 PPM while at the same time increases the fuel effectiveness increasing the MPG by at least 16%.





Frank Pellegrini

Director,
Sales/Marketing

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Vero Beach, FL 32968

772-539-0333

203-230-8313

fax 203-288-2621

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F. PELLEGRINI
OXITRON TECHNOLOGIES LLC
925 SHERMAN AVENUE
HAMDEN, CT 06514



MAR 29 2017



Mr. Scott Pruitt
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail code: 1101A
Washington, DC 20460



Lynn J. Good
Chairman, President & CEO
Duke Energy Corporation
550 South Tryon Street
Charlotte, NC 28202

Mailing Address:
DEC 48 / P.O. Box 1321
Charlotte, NC 28201

phone: 704.382.7649
fax: 980.373.1820

March 16, 2017

The Honorable E. Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

It was a pleasure meeting you in Houston during CERAWEEK. I enjoyed our conversation and your luncheon remarks outlining your vision for transforming the Environmental Protection Agency to focus on both protecting the environment and supporting economic growth. And, I appreciated your remarks at the EEI CEO meeting earlier this week where you highlighted your focus on process, the rule of law and cooperative federalism.

During our conversation in Houston, we talked about the importance of streamlining the siting and permitting process for projects such as pipelines and grid investments. A more streamlined approach would help accelerate the industry's infrastructure investments and enable us to continue providing affordable, reliable electricity and natural gas to consumers and businesses.

It also was heartening to hear your plan to better utilize EPA's Office of Policy. For capital-intensive companies like ours, regulatory stability enables the long-range planning necessary to invest in infrastructure that our customers value. A more active Office of Policy could improve the quality and effectiveness of regulations by ensuring a transparent decision-making process that evaluates a wide range of considerations.

Your remarks at EEI suggesting regular collaboration and engagement to look at the regulatory horizon, five and ten years ahead, were heartening. I look forward to working with you and supporting that effort. I have asked my team to follow up with Samantha to see how we can be of assistance on this and other efforts to improve the regulatory development process.

Scott, I wish you all the best as you begin your journey leading the agency. As I said during our meeting, we welcome the opportunity to work with you on these important issues and serve as a resource for you and your team. Please don't hesitate to contact me at any time.

Sincerely yours,

Lynn J. Good
Chairman, President & CEO

OFFICE OF THE
EXECUTIVE SECRETARIAT

2017 MAR 29 AM 11:08

REC'D



Duke Energy
550 South Tryon Street
Charlotte, NC 28202



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MAR 29 2017

The Honorable E. Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

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Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

RECEIVED
2017 MAR 29 AM 11:05

OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Pruitt:

I am writing as a citizen, voter and person of faith who is deeply concerned about the quality of our nation's water supply. The Clean Water Act and the Safe Drinking Water Act, passed by Congress in the 1970s, both have helped protect our drinking water.

However, oil and gas industries, as well as the agricultural industry, have a large number of exemptions from federal environmental laws. Because of these exemptions a variety of pollutants, such as arsenic, benzene, lead, nitrogen, phosphorus, and polychlorinated biphenyls pose a threat to the quality of our water supply. As a result our waterways have already lost some of the protections that previously existed.

I am concerned not only about the quality of the water supply in the area where I live, but also about our entire nation's water supply, especially in places like Flint, MI, the Kanawha Valley, WV, and in many cities and small towns across our country. As a person of faith I'm especially concerned for poor and low-income people living in these communities and others like them.

It is important not to further erode existing protections afforded by the Clean Water Act and the Safe Drinking Water Act, but to strengthen and restore protections of our water supply. I urge you to support the EPA's mission that was mandated to protect our environment. Your support is vital for the health and safety of our entire water supply, especially for our nation's drinking water.

Thank you for your attention and consideration.

Sincerely,

Robert E. L.

(b) (6)

cc: President Donald Trump

cid

WESTCHESTER NY 105

22 MAR 2017 PM 11



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Administrator Scott Pruitt
Environmental Protection Agency
1500 Pennsylvania Ave., NW
Washington, DC 20460

MAR 29 2017



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(b) (6)

Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

RECEIVED

2017 MAR 29 AM 11:05

OFFICE OF THE
EXECUTIVE SECRETARIAT

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Thank you for your attention and consideration.

Sincerely,

A. Jeffrey Alfaro

cc: President Donald Trump

C/O

(b) (6)

At Large



(b) (6)

WESTCHESTER, NY 105

22 MAR 2017 PM 11



ADMINISTRATOR Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Ave
WASHINGTON, DC 20460

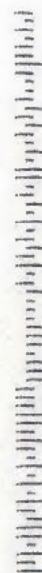


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MAR 29 2017

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Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

RECEIVED

2017 MAR 29 AM 11:04

OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Pruitt:

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Thank you for your attention and consideration.

Sincerely,

Ellen O'Rourke

(b) (6)

cc: President Donald Trump

E O'Rourke



WESTCHESTER NY 105

22 MAR 2017 PM 11



Administrative Scott Pruitt 1101
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

MAR 29 2017

20460-



Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

RECEIVED

2017 MAR 29 AM 11:04

OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Pruitt:

I am writing as a citizen, voter and person of faith who is deeply concerned about the quality of our nation's water supply. The Clean Water Act and the Safe Drinking Water Act, passed by Congress in the 1970s, both have helped protect our drinking water.

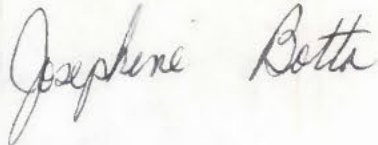
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Thank you for your attention and consideration.

Sincerely,



cc: President Donald Trump

(b) (6)

WESTCHESTER NY 105

22 MAR 2017 PM 11

MAR 29 2017

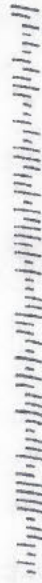


Administration Scott Pruitt 1101
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460



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Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

RECEIVED

2017 MAR 29 AM 11:04

OFFICE OF THE
EXECUTIVE SECRETARIAT

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Thank you for your attention and consideration.

Sincerely,

Melader Zima
(b) (6)

cc

FCF2021035



WESTCHESTER
NY 105
22 MAR '17
PM 11



MAR 29 2017

Admiral Scott Pruitt 1101
EPA
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460-20460

Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

RECEIVED

2017 MAR 29 AM 11:03

Dear Administrator Pruitt:

OFFICE OF THE
EXECUTIVE SECRETARIAT

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Thank you for your attention and consideration.

Sincerely,

Diane Colangelo
(b) (6)

BSN, RN

cc: President Donald Trump

(b) (6)

Colum. BSN R.N.

(b) (6)

WESTCHESTER NY 105

MAR 22 MAR 2017 PM 11

MAR 29 2017



Administrator Scott Pruitt 107
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460



FCF2026980

20460-



Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Pruitt:

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Thank you for your attention and consideration.

Sincerely,



cc: President Donald Trump

OFFICE OF THE
EXECUTIVE SECRETARIAT

2017 MAR 29 AM 11:29

RECEIVED

John Scott Pruitt

(b) (6)



WESTCHESTER NY 105

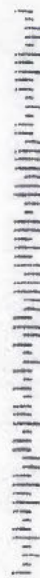
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John Scott Pruitt 1107
Envt. Protection Agency
1200 Penn. Ave. N.W.
Wash. D.C. 20460



MAR 29 2017

20460-



Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

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It is important not to further erode existing protections afforded by the Clean Water Act and the Safe Drinking Water Act, but to strengthen and restore protections of our water supply. I urge you to support the EPA's mission that was mandated to protect our environment. Your support is vital for the health and safety of our entire water supply, especially for our nation's drinking water.

Thank you for your attention and consideration.

Sincerely,

Mary Ann Jordan

cc: President Donald Trump

*for your family's sake
and mine*

OFFICE OF THE
EXECUTIVE SECRETARIAL

2017 MAR 29 AM 11:28

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WESTCHESTER NY 105

22 MAR 2017 PM 11



Administrator Scott Pruitt
Epsilon Mental Protection Agency
1200 Pennsylvania Ave. NW
WASHINGTON, DC 20460



MAR 29 2017



20460-

Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Pruitt:

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Thank you for your attention and consideration.

Sincerely,

Anne M. Sheehy
13 Emmet Place
Waldwick NJ 07463

cc: President Donald Trump

OFFICE OF THE
EXECUTIVE SECRETARIAT

2017 MAR 29 AM 11:28

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Mr. Skubla Fort no



(b) (6)

WESTCHESTER NY 105

22 MAR 2017 PM 5 L

MAR 29 2017



Administrative Scott Print 1/67
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460



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Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

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cc: President Donald Trump

OFFICE OF THE
EXECUTIVE SECRETARIAT

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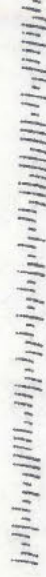


MAR 29 2017

Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460



20460-



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Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

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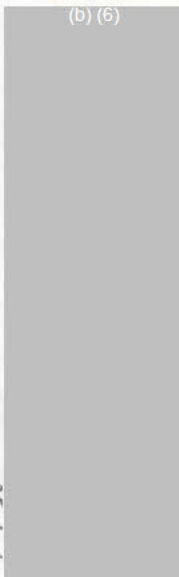
Cara McKenna-Eid
(b) (6)

cc: President Donald Trump

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OFFICE OF THE
EXECUTIVE SECRETARY

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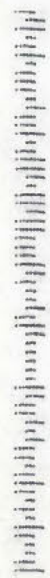


Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

MAR 29 2017



20460-



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Washington, DC 20460

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OFFICE OF THE
EXECUTIVE SECRETARIAT

2017 MAR 29 AM 11:27

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Kyle T. Lippman

(b) (6)

WESTCHESTER NY 105

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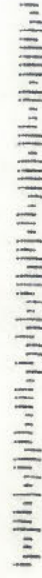


Administrator Scott Pruitt NOJ
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

MAR 29 2017



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Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

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2017 MAR 29 AM 11:06

OFFICE OF THE
EXECUTIVE SECRETARIAT

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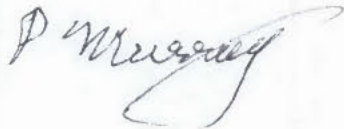
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Thank you for your attention and consideration.

Sincerely,



cc: President Donald Trump

Ed R. Murray

(b) (6)

CHESTER NY 115

22 MAR 2017 PM 11



Administrator Scott Pruitt

E. P.A.

1200 Pennsylvania Ave N.W.
Washington D.C. 20566

MAR 29 2017



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Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

RECEIVED
2017 MAR 29 AM 11:06

OFFICE OF THE
EXECUTIVE SECRETARIAT

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Sincerely,

Kathleen L. Alford

cc: President Donald Trump

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Admunister Scott Pruitt 116/
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

MAR 29 2017

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 3 2017

OFFICE OF WATER

Mr. Robert Eid
Ms. Carol McKenna-Eid

(b) (6)

Dear Mr. Eid and Ms. McKenna-Eid,

Thank you for your letter to EPA Administrator Pruitt regarding the importance of protecting our nation's water supply. We welcome hearing from people who care about our environment, and we very much appreciated your concern regarding the protection of our waters bodies from contamination. Despite our environmental challenges ahead, concerned people like you are one of many reasons why we are optimistic about the public and environmental health of our nation and our planet.

There is no higher priority for the U.S. Environmental Protection Agency than protecting public health and ensuring the safety of our nation's water supply. EPA's Office of Water is responsible for protecting all water bodies as authorized under the Clean Water Act and the Safe Drinking Water Act. For example, under the Safe Drinking Water Act, the agency's role is to set national drinking water standards, applicable to all public water systems, and ensure (with the state and tribes where they have primary enforcement authority) that the quality of water provided meets those standards. Today, in the U.S., over 90 percent of the population supplied by community water systems receives drinking water that meets all health-based federal drinking water standards. The most recent peer-reviewed, scientific data informs our ongoing review of standards to ensure the protection of public health.

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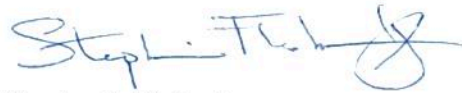
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Protecting people and the environment is EPA's mission, but we cannot do this work alone, and that is why we encourage you to stay involved. Just as it takes many drops of water to fill a bucket, the actions of many individuals are necessary to keep our environment clean, safe and healthy.

Again, thank you for sharing your concerns regarding the protection of our water bodies.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steph. Flaherty", with a stylized flourish at the end.

Stephanie Flaherty
Sr. Regulations Manager
Office of Ground Water and Drinking Water



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 3 2017

OFFICE OF WATER

Mr. Jeffrey A. Alfaro
Ms. Kathleen L. Alfaro

(b) (6)

Dear Mr. and Ms. Alfaro,

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Office of Ground Water and Drinking Water



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR - 3 2017

Ms. Ellen O'Rourke

(b) (6)

OFFICE OF WATER

Dear Ms. O'Rourke,

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Sr. Regulations Manager
Office of Ground Water and Drinking Water



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR - 3 2017

Ms. Josephine Botta

(b) (6)

OFFICE OF WATER

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Sr. Regulations Manager
Office of Ground Water and Drinking Water



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 3 2017

Ms. Melady Zina

(b) (6)

OFFICE OF WATER

Dear Ms. Zina,

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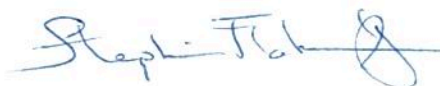
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Sr. Regulations Manager
Office of Ground Water and Drinking Water



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR - 3 2017

Ms. Diane Calogero

(b) (6)

OFFICE OF WATER

Dear Ms. Calogero,

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Again, thank you for sharing your concerns regarding the protection of our water bodies.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stephanie Flaherty', with a stylized flourish at the end.

Stephanie Flaherty
Sr. Regulations Manager
Office of Ground Water and Drinking Water



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR - 3 2017

Mr. Stephen Jeselson
Ms. Mary A. Jeselson

(b) (6)

OFFICE OF WATER

Dear Mr. and Ms. Jeselson,

Thank you for your letter to EPA Administrator Pruitt regarding the importance of protecting our nation's water supply. We welcome hearing from people who care about our environment, and we very much appreciated your concern regarding the protection of our waters bodies from contamination. Despite our environmental challenges ahead, concerned people like you are one of many reasons why we are optimistic about the public and environmental health of our nation and our planet.

There is no higher priority for the U.S. Environmental Protection Agency than protecting public health and ensuring the safety of our nation's water supply. EPA's Office of Water is responsible for protecting all water bodies as authorized under the Clean Water Act and the Safe Drinking Water Act. For example, under the Safe Drinking Water Act, the agency's role is to set national drinking water standards, applicable to all public water systems, and ensure (with the state and tribes where they have primary enforcement authority) that the quality of water provided meets those standards. Today, in the U.S., over 90 percent of the population supplied by community water systems receives drinking water that meets all health-based federal drinking water standards. The most recent peer-reviewed, scientific data informs our ongoing review of standards to ensure the protection of public health.

The practice of oil and gas drilling (known as hydraulic fracturing), to obtain natural-gas for energy, can produce wastewater fluids that may contain oil, which, when not adequately treated, has the potential to enter surface waters. The agency believes, however, that responsible development of America's shale gas production offers important economic, environmental and energy-security benefits. The agency is working with states and other stakeholders to understand and address potential concerns with hydraulic fracturing so that the public has confidence that natural-gas production will proceed in a safe and responsible manner.

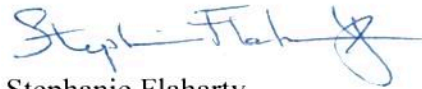
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Stephanie Flaherty
Sr. Regulations Manager
Office of Ground Water and Drinking Water



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 3 2017

OFFICE OF WATER

Mr. Kyle T. Lippman
(b) (6)

Dear Mr. Lippman,

Thank you for your letter to EPA Administrator Pruitt regarding the importance of protecting our nation's water supply. We welcome hearing from people who care about our environment, and we very much appreciated your concern regarding the protection of our waters bodies from contamination. Despite our environmental challenges ahead, concerned people like you are one of many reasons why we are optimistic about the public and environmental health of our nation and our planet.

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Stephanie Flaherty
Sr. Regulations Manager
Office of Ground Water and Drinking Water



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 3 2017

OFFICE OF WATER

E.P. Murray

(b) (6)

Dear E.P. Murray,

Thank you for your letter to EPA Administrator Pruitt regarding the importance of protecting our nation's water supply. We welcome hearing from people who care about our environment, and we very much appreciated your concern regarding the protection of our waters bodies from contamination. Despite our environmental challenges ahead, concerned people like you are one of many reasons why we are optimistic about the public and environmental health of our nation and our planet.

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Stephanie Flaherty
Sr. Regulations Manager
Office of Ground Water and Drinking Water



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 3 2017

OFFICE OF WATER

Ms. Anne Fotino
(b) (6)

Dear Ms. Fotino,

Thank you for your letter to EPA Administrator Pruitt regarding the importance of protecting our nation's water supply. We welcome hearing from people who care about our environment, and we very much appreciated your concern regarding the protection of our waters bodies from contamination. Despite our environmental challenges ahead, concerned people like you are one of many reasons why we are optimistic about the public and environmental health of our nation and our planet.

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Stephanie Flaherty
Sr. Regulations Manager
Office of Ground Water and Drinking Water



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 3 2017

OFFICE OF WATER

Ms. Heidi Michitsch

(b) (6)

Dear Ms. Michitsch,

Thank you for your letter to EPA Administrator Pruitt regarding the importance of protecting our nation's water supply. We welcome hearing from people who care about our environment, and we very much appreciated your concern regarding the protection of our waters bodies from contamination. Despite our environmental challenges ahead, concerned people like you are one of many reasons why we are optimistic about the public and environmental health of our nation and our planet.

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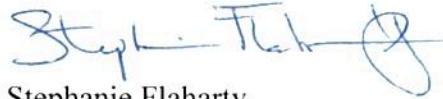
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Stephanie Flaherty
Sr. Regulations Manager
Office of Ground Water and Drinking Water

Date: Wed Mar 29 15:43:54 EDT 2017
From: Hope.Brian@epamail.epa.gov
To: CMS.OEX@epamail.epa.gov
Subject: FW: A climate restorationill hugely stimulate economy with millions of new jobs across the globe plan that will be fossil-fuel driven and w

OP

-----Original Message-----

From: Sambhu Chaudhuri [mailto:(b) (6)]
Sent: Wednesday, March 29, 2017 3:02 PM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Subject: A climate restorationill hugely stimulate economy with millions of new jobs across the globe plan that will be fossil-fuel driven and w

(I, Sam Chaudhuri, a professor of geochemistry at Kansas State University, have worked on climate restoration issues for nearly a decade. While I care about natural phenomena that threaten human survivability, I am a strong supporter of the fossil-fuel industries that are an important component of our national economy).

We agree to a recent statement of Senator Lindsey Graham that the Republican Party must have its own platform on Climate Change which will clearly excel and destabilize the Democrats from their hold on the climate change issue. The happy news is that the Republican Party does not need to wait any longer for having its own cherished climate change platform. The Climate Restoration Technologies (CRT) think tank, a mid-west centered organization consisting of reputable scientists, engineers, and innovators organization which has been working for nearly a decade in cooperation with two industrial research institutions (one in Missouri and the other in Wyoming) and has scholarly publication records (two of their articles published recently in a peer-reviewed international journal on climate change) has a blueprint on how best to forestall by natural means century-end climate change threats. This blueprint has all to meet the exact needs of the Republican Party for having its own potent climate change platform which will forestall the predicted century-end Climate Change threats. Why is this CRT plan far better than any of the Democrat proposed Climate-Change-mitigation plans which are definitely destined to fall far short of their goals while inflicting gigantic sufferings to global mankind? The democrat plans, with supports from their friends abroad (the EU voices and the UN Secretary General), have pursued their own paths by essentially demonizing fossil fuel industries and blindly focusing on cutting carbon dioxide emissions through deoxygenation of the fossil fuel industry lives and heavy reliance on solar and wind energies to meet the global energy needs of the ever increasing global population growths. Among all the plans that exists today on climate restoration or prevention of threats from climate change, the CRT plan, basically a fossil-fuel-use plan, has the most rapid path of decarbonization of the atmosphere to a highly desirable level. The CRT plan will be employing an accelerated natural process to forestall melting of polar ices, prevent sea level rise from threatening the humanity, restore ocean acidity to pre-industrial times, and help lessening the frequencies and intensities of superstorm events, while simultaneously meeting future energy demand as it doubles before the end of the century and while doubling fossil fuel industry revenues, creating tens of millions of new jobs, and massively stimulating the economy. Everybody wins! The CRT plan for climate restoration to atmospheric carbon dioxide concentration equivalent to the Washington-Lincoln times will be achieved before this century ends, which is more than 125 years earlier than the democrat-EU-UN plans can ever dream of achieving this goal.

CRT would like to help create a new Republican climate-change platform that resets the climate clock to 1988 by mid-century. By 2075, it would restore the blue skies (and low carbon dioxide) of 1780 or 1865. By the mid 2030?s, it could also make an early reset of Earth?s thermostat to global temperatures last seen in the times of George Washington and Abraham Lincoln.

Our aim is to help create a Republican climate restoration platform that?ll completely upstage Democrats on their key signature issue. If you have any interest in our proposal, we are willing to pursue with you further on this issue. You may contact either Prof. Sam Chaudhuri (ksuncsc@ksu.edu; or, (b) (6) 785-341-1737), or Dr. Robert C. Fry ((b) (6) 402-680-3799)



NRWA *America's Largest Utility Membership*

NATIONAL
RURAL WATER
ASSOCIATION

2915 S. 13th Street, Duncan, OK 73533
580.252.0629 | nrwa.org

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2017 MAR 29 PM 4:39

OFFICE OF THE
EXECUTIVE SECRETARIAT

March 27, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Pruitt:

On behalf of the National Rural Water Association (NRWA), we wish to congratulate you on your nomination to be Administrator of the United States Environmental Protection Agency (EPA). NRWA is the largest community-based water organization in the country. We are headquartered in Oklahoma and have over 31,000 small and rural community members (various forms of local governments). Our member communities have the very important public responsibility of complying with all applicable regulations and for supplying the public with safe drinking water and sanitation every second of every day.

On January 9, 2017, we wrote an introductory letter to offer our assistance in partnering with you to implement your agenda and to be a "rural resource" on drinking water safety, environmental protection, and quality wastewater service in rural and small town America.¹

We are writing to you today to recommend two U.S. Environmental Protection Agency regulations that should be candidates for regulatory reform under the President's January 30, 2017, "**Presidential Executive Order on Reducing Regulation and Controlling Regulatory Costs.**"

First, federally mandated Tier 2 public notices issued under the Safe Drinking Water Act (CFR §141.203 Tier 2 Public Notice) should be eligible for e-reporting or other new and innovative methods for public distribution similar to public notices under EPA's January 3, 2013 policy for "CCR Rule Delivery Options." Adoption of this regulatory reform policy could save small and rural communities millions of dollars in public funding, provide more timely information to the public, and allow for enhanced availability of information to the public by archiving the disclosure material on the internet (as opposed to a one-time mailed notice). EPA's Safe Drinking Water Information System (SDWIS) fiscal year 2016 database lists over 30,000,000 persons in communities with Tier 2-type maximum contaminant level (MCL) or treatment technique (TT) violations with EPA drinking water rules.² A 2015 assessment by the Kansas Rural Water Association found that each Tier 2 public notice costs over \$1 per customer (printing, copying and mailing).³ U.S. Senator Roger Wicker inquired about such regulatory relief to the EPA on June 11, 2015; however, no such relief has been announced by EPA.⁴

Second, we urge you to modify the mandatory health effects information crafted by EPA as part of the mandatory public notices. Our concern is the current EPA information is unnecessarily alarming the public regarding the safety of their drinking water. Many violations of EPA standards are not necessarily an indication of unsafe drinking water (i.e. a temporary exceedance for a small fraction of a part per million that is causing the public to stop drinking their water and not trust their local government).

¹ www.ruralwater.org/Administrator_Pruitt.pdf

² <http://ruralwater.org/tier2.jpg>

³ <http://www.krwa.net/portals/krwa/lifeline/1503/018.pdf>

⁴ <http://www.ruralwater.org/wicker.pdf>

The National Rural Water Association is the country's largest public drinking water and sanitation supply organization with over 31,000 members. Safe drinking water and sanitation are generally recognized as the most essential public health, public welfare, and civic necessities.

For fiscal year 2014, EPA lists 2,135 maximum contaminant level (MCL) violations of DBPs standards: 477 of those exceedances include no recorded level; 110 of the 416 violations for the haloacetic acids standards (HAA5) are for exceedances equal to or less than 5 parts per billion (PPB); and 174 of the total 1,252 violations for total trihalomethanes standards (TTHMs) are for violations equal to or less than 5 PPB. It is our understanding that this category of DBP violations requires Tier 2 Public Notice (direct mailing of the violation to consumers with mandated alarming language specified by EPA) which often results in alarming the public to the point they are afraid to drink the water. For example, after a DBP violation of two thousandths (.002) of a part per million, the local news station in Menominee, Michigan (WFRV, 4/3/2015) reported, *"Residents in Menominee, Michigan are Questioning the Safety of their Drinking Water... Last week, [a consumer] got a notice in the mail saying the Menominee city water system recently violated a drinking water standard. The supply tested high for trihalomethane, a disinfection by-product. 'It was kind of a slap in the face when I got this and I thought, here I'm paying for a commodity and I'm not really sure that it's safe,' explained [the consumer]. 'I don't think I'm the only one in the city that feels that way... I'm actually looking into getting a whole house water filtration system,' she added. 'I don't trust our water anymore...'"*

What the public wants to know most is whether there is a public health significant difference between 80 parts per billion and 82 parts per billion of THMs occurring in their water. Some states have been compelled to issue additional public notices to warn consumers of the significance of EPA mandated warnings (Kentucky Department for Environmental Protection, May 9, 2005).⁵

Thank you for your attention to these two immediate regulatory reform proposals. In the coming days, we will be cataloging the numerous regulatory reform proposals that we have previously submitted to the Agency for your consideration. We appreciate your consideration of these proposals and look forward to working with you on these and many other issues regarding EPA's water programs and regulations.

We urge the EPA to recognize that small and rural communities are a solution, not a problem, to improving public health and protecting the environment. Enhancing drinking water and wastewater quality in small communities is more of a resource issue than a regulatory problem. Most small community non-compliance with the Safe Drinking Water Act and Clean Water Act can be quickly remedied by on-site technical assistance and education. The current EPA regulatory structure is often misapplied to small and rural communities because every community wants to provide safe water and meet all drinking water standards. After all, local water supplies are operated and governed by people whose families drink the water every day and people who are locally elected.

In closing, we look forward to collaborating with you on efforts that improve drinking water safety and environmental protection in rural and small communities. Congratulations again on your nomination to serve the country as the next Administrator of the U.S. Environmental Protection Agency, and we wish you the very best.

Sincerely,



Sam Wade
Chief Executive Officer

cc: Peter Grevatt

⁵ www.ruralwater.org/kydbps.pdf

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DUNCAN, OK 73533
UNITED STATES US

SHIP DATE: 28MAR17
ACTWGT: 0.50 LB
CAD: 101940257/INET3850

BILL SENDER

TO SCOTT PRUITT
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR, 1101A
1200 PENNSYLVANIA AVENUE, NW
WASHINGTON DC 20460

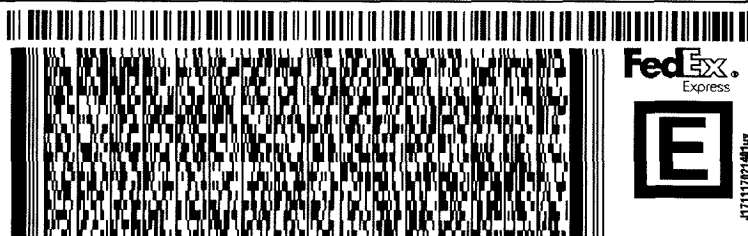
(202) 564-4700

REF: NRWA TO PRUITT

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Express

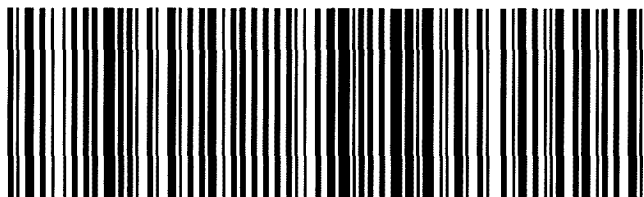


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20460
DC-US IAD



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3/28/2017

Return Response to this Address

State Department

(u) (o)

Office of Ombudsman

TO:

U.S. - EPA
401 M St SW
Washington DC, 20460

Subject: FREEDOM OF INFORMATION LAW REQUEST (FOIL)

Dear Sir/Madam:

This is a Freedom of Information Law Request (FOIL), as defined under McKinney's Public Officers Law, Sections 84 - 90.

I wish to review and possibly obtain copies of any and all information pertaining to:

1) I want testing on sample attached inside 2) Washington County NY has PFOA contamination and I want the report 3) side effects of PFOA and lead in the water warning signs 4) Report of PFOA in Washington County New York

Pursuant to Public Officer's Law, Section 84 (3), "each entity subject to the provisions of this article, within five business days of the receipt of a written request for a record reasonably described, shall make such record available to the person requesting it, deny such request in writing or furnish a written acknowledgement of the receipt of such request and a statement of the approximate date when such request will be granted". Should your agency/department deny all or part of this request, I will expect that you will list the reason and authority relied on. In addition, I will expect that you will list the names of any adverse determinations made by your agency. Should you determine that any of the requested material would be in the "public interest" I will expect that you will waive any fees for such materials. Should there be a fee for the copying of any of the requested materials, please specify as to which material, so that I may arrange to have the appropriate funds forwarded to your agency/department.

Should there be anything further I may be contacted at the above named facility.

In anticipation of receiving word from you in the coming days, I thank you for your time and indulgence.

Last time I sent you two samples you didn't get the letter at all and the 2nd one the officers took the map so don't send no maps and went and took the letter before I read it put on envelop confidential mail open under penalty of law

Respectfully submitted,

(b) (6)

NAME: [REDACTED]

Facility

1161
Department of Justice
Office of the Inspector General
Washington, DC 20530
Washington, DC 20530

MAR 29 2017

LEGAL MAIL

